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CHAPTER 164
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164.001 Definitions for chapter.
As used in this chapter, unless the context requires otherwise:
(1) "Administrator" means the chief executive officer of the institution;
(2) "Adult basic education" means instruction in mathematics, science, social studies, reading, language arts, and related areas to enable individuals to better function in society;
(3) "Benchmarks" means objective measures developed where applicable or practical by the Council on Postsecondary Education to judge the performance of the postsecondary education system and progress toward the goals as stated in KRS 164.003(2);
(4) "Board" or "governing board" means the board of trustees for the University of Kentucky or the University of Louisville, the board of regents for a comprehensive university, or the board of regents for the Kentucky Community and Technical College System;
(5) "Board of regents" means the governing board of each comprehensive university and the Kentucky Community and Technical College System;
(6) "Committee" means the Strategic Committee on Postsecondary Education created in KRS 164.004;
(7) "Comprehensive university" means the following public institutions: Eastern Kentucky University, Kentucky State University, Morehead State University, Murray State University, Northern Kentucky University, and Western Kentucky University;
(8) "Council" means the Council on Postsecondary Education created in KRS 164.011;
(9) "Customized training" means training in specific academic areas, work processes, or technical skills that are designed to serve a specific industry or industries to upgrade worker skills;
(10) "Goals" means the six (6) goals specified in KRS 164.003(2);
(11) "Independent institution" means a nonpublic postsecondary education institution in Kentucky whose instruction is not solely sectarian in nature, is accredited by a regional accrediting association recognized by the United States Department of Education, and is licensed by the Council on Postsecondary Education;
(12) "Institution" means a university, college, community college, health technology center, vocational-technical school, technical institute, technical college, technology center, or the Kentucky Community and Technical College System;
(13) "Kentucky Community and Technical College System" means the system composed of public community and technical colleges, including those postsecondary institutions operated by the former Cabinet for Workforce Development and those community colleges in the University of Kentucky Community College System on May 30, 1997.
The system also includes institutions created by the board of regents for the Kentucky Community and Technical College System and approved by the General Assembly;
(14) "Literacy" means an individual's ability to read, write, and speak in English and compute and solve problems at levels of proficiency necessary to function on the job and in society to achieve one's goals and develop one's knowledge and potential;
(15) "Lower division academic course" means any academic course offered for college or university credit that is designated as a freshman or sophomore level academic course;
(16) "Nonteaching personnel" means any employee who is a full-time staff member, excluding a president, chancellor, vice president, academic dean, academic department chair, or administrator;
(17) "Postsecondary education system" means the following public institutions: University of Kentucky, University of Louisville, Eastern Kentucky University, Kentucky State University, Morehead State University, Murray State University, Northern Kentucky University, Western Kentucky University, and the Kentucky Community and Technical College System;
(18) "P-16 council" or "council of partners" means a local or state council that is composed of educators from public and private preschools, elementary, secondary, and postsecondary education institutions, local board of education members, and may include community and business representatives that have voluntarily organized themselves for the purpose of improving the alignment and quality of the education continuum from preschool through postsecondary education as well as student achievement at all levels;
(19) "Public" means operated with state support;
(20) "Relative" means a person's father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, or daughter-in-law;
(21) "Remedial education" means any program, course, or activity that is designed specifically for students who have basic deficiencies in reading, written or oral communication, mathematics, study skills, or other skills necessary to do beginning postsecondary work as defined by the institution;
(22) "Standardized degree program" means a program, approved by the Council on Postsecondary Education, that consists of specific competencies, curriculum, and performance requirements regardless of the providing institution;
(23) "Strategic agenda" means the state strategic postsecondary education agenda described in KRS 164.0203;
(24) "Technical institution" means an educational institution that offers certificates, diplomas, or technical degrees in technical or occupational-related programs, including a facility called a vocational-technical school, technical institute, health technology center, technology center, technical college, or similar designation; and
(25) "Learning outcomes" means the knowledge, skills, and abilities that students have attained as a result of their involvement in a particular set of educational experiences.

Effective: July 15, 2010

164.002 Definitions for chapter.

As used in KRS Chapter 164, unless the context requires otherwise:

(1) "Advanced placement" or "AP" means a college-level course that incorporates all topics and instructional strategies specified by the College Board on its standard syllabus for a given subject area and is licensed by the College Board;

(2) "Cambridge Advanced International" means the Cambridge Advanced International Certificate of Education Diploma program, an international pre-university curriculum and examination system offered by Cambridge International Examinations at the University of Cambridge;

(3) "College Board Advanced Placement examination" means the advanced placement test administered by the College Entrance Examination Board;

(4) "College Board" means the College Entrance Examination Board, a national nonprofit association that provides college admission guidance and advanced placement examinations;

(5) "Dual credit" means a college-level course of study developed in accordance with KRS 164.098 in which a high school student receives credit from both the high school and postsecondary institution in which the student is enrolled upon completion of a single class or designated program of study, including participating in the Gatton Academy of Mathematics and Science in Kentucky or the Craft Academy for Excellence in Science and Mathematics;

(6) "Dual enrollment" means a college-level course of study developed in accordance with KRS 164.098 in which a student is enrolled in a high school and postsecondary institution simultaneously, including participating in the Gatton Academy of Mathematics and Science in Kentucky or the Craft Academy for Excellence in Science and Mathematics; and

(7) "International Baccalaureate" or "IB" means the International Baccalaureate Organization's Diploma Programme, a comprehensive two (2) year program designed for highly motivated students.

Effective: June 24, 2015
Legislative Research Commission Note (6/24/2015). This statute was amended by 2015 Ky. Acts chs. 15 and 112, which do not appear to be in conflict and have been codified together.

164.003 Legislative findings and goals for achievement by 2020.

(1) The General Assembly hereby finds that:

(a) The general welfare and material well-being of citizens of the Commonwealth depend in large measure upon the development of a well-educated and highly trained workforce;

(b) The education and training of the current and future workforce of the Commonwealth can provide its businesses and industries with the competitive edge critical to their success in the global economy and must be improved to provide its citizens the opportunity to achieve a standard of living in excess of the national average; and

(c) The positive advancement of the welfare of the citizens of the Commonwealth through the transmission of knowledge can only be achieved by the incorporation of ethical standards, the
historic American moral principles promoted by the nation's Founding Fathers, into Kentucky public instruction, state educational training, and personal development of its teachers, students, and people, and affirms President George Washington's statement in his September 19, 1796, farewell address: "Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable."

(2) The General Assembly declares on behalf of the people of the Commonwealth the following goals to be achieved by the year 2020:

(a) A seamless, integrated system of postsecondary education strategically planned and adequately funded to enhance economic development and quality of life;

(b) A major comprehensive research institution ranked nationally in the top twenty (20) public universities at the University of Kentucky;

(c) A premier, nationally recognized metropolitan research university at the University of Louisville;

(d) Comprehensive universities, with at least one (1) nationally recognized program of distinction or one (1) nationally recognized applied research program, working cooperatively with other postsecondary institutions to assure statewide access to baccalaureate and master's degrees of a quality at or above the national average;

(e) A comprehensive community and technical college system with a mission that assures, in conjunction with other postsecondary institutions, access throughout the Commonwealth to a two (2) year course of general studies designed for transfer to a baccalaureate program, the training necessary to develop a workforce with the skills to meet the needs of new and existing industries, and remedial and continuing education to improve the employability of citizens; and

(f) An efficient, responsive, and coordinated system of providers that delivers educational services to all adult citizens in quantities and of a quality that is comparable to the national average or above and significantly elevates the level of education of the adults of the Commonwealth.

(3) The achievement of these goals will lead to the development of a society with a standard of living and quality of life that meets or exceeds the national average.

(4) The achievement of these goals will only be accomplished through increased educational attainment at all levels, and contributions to the quality of elementary and secondary education shall be a central responsibility of Kentucky's postsecondary institutions.

(5) The furtherance of these goals is a lawful public purpose that can best be accomplished by a comprehensive system of postsecondary education with single points of accountability that ensure the coordination of programs and efficient use of resources.

(6) The Commonwealth further recognizes that Kentucky's independent institutions offer rich and diverse postsecondary education choices throughout the state. Kentucky's people are best served by a broad array of postsecondary education providers. This vital component of the system will be a full partner in the greater system of postsecondary education.
164.004 Strategic Committee on Postsecondary Education.

(1) The Strategic Committee on Postsecondary Education is hereby created and established. The committee shall be composed of members appointed by the Council on Postsecondary Education, the Governor, and the General Assembly. The council's representatives shall consist of the chair of the council, the president of the council, and five (5) members of the council designated by the chair. The Governor's representatives shall consist of the Governor and six (6) persons designated by the Governor. The General Assembly's representatives shall consist of the President of the Senate, the Speaker of the House of Representatives, the Majority and Minority Floor Leaders of both chambers of the General Assembly, the minority caucus chair of each chamber, a member appointed by the President of the Senate, a member appointed by the Speaker of the House of Representatives, a member appointed by the Minority Floor Leader of the Senate, a member appointed by the Minority Floor Leader of the House of Representatives, and the chair of the Committee on Appropriations and Revenue of each chamber.

(2) The chair of the council shall serve as chair of the committee. The committee shall meet at least quarterly and at other times upon the written call of the chair or of majorities of any two (2) of the three (3) groups that compose the committee.

(3) Nonlegislative members of the committee shall serve without compensation but shall be reimbursed for their actual and necessary expenses, as set forth in KRS 12.070(5). Committee members who are Kentucky legislators shall be compensated for attendance at committee meetings from the legislative branch budget bill and as set forth in KRS 6.190.

(4) The committee shall serve as a forum for the council and the elected leadership of the Commonwealth to exchange ideas about the future of postsecondary education in Kentucky.

(5) The council shall periodically review its strategic implementation plan for the strategic agenda under KRS 164.0203 and advise the committee of the actions necessary to meet the goals established in KRS 164.003(2). The elected leaders shall review and comment on the strategic agenda and the timetable for implementation.

(6) The Governor shall advise the committee about the financial condition of the Commonwealth and the probable funds the executive branch intends to recommend to the General Assembly to be appropriated for postsecondary education.

(7) The legislative members shall react to the comments of the council and the Governor.

(8) The council shall advise the committee about its opinion of how the postsecondary education funds projected to be available should be allocated based on priorities and projected resources. Nothing in this section shall be construed to infringe upon the Governor's duty under KRS 48.100 to recommend appropriations to the General Assembly or upon the General Assembly's power to make final appropriations in the enacted budget.
The committee shall have the advisory authority not explicitly prohibited by law that is necessary to carry out and effectuate its advisory functions, duties, and responsibilities, including the following:

(a) Receive reports from the council on the development and implementation of the long-term strategic agenda, including biennial budget requests for postsecondary education and any subsequent and related budget requests;

(b) Review the council's proposed objectives and benchmarks for the next fiscal biennium for furthering the Commonwealth's achievement of the goals set out in KRS 164.003(2);

(c) Consider and advise the council on the general budget parameters regarding development of the postsecondary budget for the next fiscal biennium;

(d) Review biennial budget requests from the council for the next fiscal biennium including base funding, increases in base funding, and funding for a strategic investment and incentive funding program, including criteria to be used in allocating these funds to institutions;

(e) Receive from the council, at least annually and on a more frequent basis if requested by the committee, accountability reports, budget information, and other information the committee deems proper; and

(f) Serve as the search committee for the review and consideration of candidates to be presented to the council for the initial appointment to the position of president of the Council on Postsecondary Education. Each group of the committee shall have one (1) vote on the search committee. The vote of each group shall be determined by a majority of the members of that group.

Effective: May 30, 1997


164.005 Governor's Postsecondary Education Nominating Committee -- Membership -- Terms -- Duties.

(1) There is established the Governor's Postsecondary Education Nominating Committee which shall consist of seven (7) members representing each of the Supreme Court districts who shall be appointed by the Governor with the consent of the House of Representatives and the Senate. If the General Assembly is not in session at the time of appointment, the consent of the General Assembly shall be obtained during the time the General Assembly next convenes.

(2) (a) In order to be eligible to serve on the Governor's Postsecondary Education Nominating Committee, a member at the time of appointment shall have no conflict of interest pursuant to KRS 45A.340. In addition, no member shall have a relative employed by a public postsecondary institution, the Council on Postsecondary Education, the Kentucky Higher Education Assistance Authority, the Kentucky Higher Education Student Loan Corporation, or the Kentucky Authority for Educational Television during his or her tenure on the committee. No more than two (2) persons holding an undergraduate degree from the same institution of higher education shall be members of the committee.

(b) The Governor shall make the appointments so as to reflect, inasmuch as possible, equal
representation of the two (2) sexes and no less than proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration and to assure that appointments reflect the minority racial composition of the Commonwealth. In filling vacancies to the committee, the Governor shall act so as to provide, inasmuch as possible, equal representation of the two (2) sexes by appointing a member of the sex that is the lesser represented at the time of the appointment. If the remaining membership already has an equal number of males and females, the Governor may appoint a member of either sex.

(c) In selecting the members of the committee, the Governor shall solicit recommendations from each of the following:

1. Advisory Conference of Presidents;
2. Council on Postsecondary Education Student Advisory Committee;
3. Associations representing faculty from universities, technical institutions, and community colleges;
4. Associations representing university, technical institutions, and community college alumni;
5. Postsecondary education advocacy groups;
6. The Kentucky Board of Education;
7. Associations representing business and civic interests; and
8. Associations representing independent, nonprofit colleges and universities.

(3) (a) Members of the committee representing Supreme Court districts shall serve six (6) year terms and until a successor is appointed, except the initial appointments shall be as follows:

1. Two (2) members shall serve a two (2) year term;
2. Two (2) members shall serve a four (4) year term; and
3. Three (3) members shall serve a six (6) year term.

(b) The terms of the original appointees shall expire on April 14 in the year designated for the term, and the terms of each member appointed thereafter shall begin on April 15. Appointments shall be submitted to the Senate and to the House of Representatives for confirmation by February 1 in each year that a regular session of the General Assembly convenes. Each appointment shall be consented to by both chambers in order for the person to be confirmed. At the first regular meeting of the committee each fiscal year, a chairperson shall be selected by the membership.

(4) The members of the committee may be reimbursed for actual and necessary expenditures incurred in the performance of their duties. The expenses of the committee shall be paid out of the appropriation for the Governor's office.

(5) (a) The committee shall be responsible for submitting three (3) nominations from which the Governor shall select each gubernatorial appointment to a university or Kentucky Community and Technical College System governing board made pursuant to KRS 164.131, 164.321, and 164.821 and to the Council on Postsecondary Education pursuant to KRS 164.011. The
committee shall not make recommendations for alumni, faculty, and staff appointments made pursuant to KRS 164.131 and 164.821 and the student appointments made pursuant to KRS 164.131, 164.321, and 164.821. If more than one (1) equivalent gubernatorial appointment is being made to a governing board or the Council on Postsecondary Education at the same time, the committee shall submit a number of nominees equal to three (3) times the number of vacancies. The committee shall provide to the Governor, inasmuch as possible, an equal number of male and female nominees. If the Governor needs nominees of a particular sex in order to make an appointment, the committee shall only provide nominees of that sex. The Governor shall select the appointees from among the nominees.

(b) The committee shall be responsible for submitting three (3) nominations from which the Governor shall select each gubernatorial appointment to the Kentucky Authority for Educational Television made pursuant to KRS 168.040, the Kentucky Higher Education Assistance Authority pursuant to KRS 164.746, and the Kentucky Higher Education Student Loan Corporation pursuant to KRS 164A.050. If more than one (1) appointment is being made at the same time, the committee shall submit a number of nominees equal to three (3) times the number of vacancies. The Governor shall select the appointees from among the nominees.

(c) Nominations shall be made thirty (30) days prior to the expiration of a term or as soon as practicable following an unforeseen vacancy. The Governor shall make the appointment within sixty (60) days following receipt of the nominations. If the Governor does not make the appointment within sixty (60) days, the committee shall select one (1) of the nominees to serve.

(6) In making its nominations, the committee shall consider the needs of the respective institutions, locate potential appointees, review candidates' qualifications and references, conduct interviews, and carry out other search and screening activities as necessary.

(7) The Governor's office staff shall provide support services for the committee.

Effective: June 24, 2003

164.0053 Prohibited appointments -- Ineligibility to serve on council or governing board -- Conflicts of interest.

(1) No appointing authority shall appoint himself or his spouse, or the Governor or his spouse, to a governing board of a postsecondary institution created pursuant to KRS 164.131, 164.321, or 164.821, or to the Council on Postsecondary Education created pursuant to KRS 164.011.

(2) No full-time employee of a public institution of postsecondary education shall be eligible to serve on the Council on Postsecondary Education or on the governing board of another institution of postsecondary education, except the community and technical college faculty and nonteaching
personnel serving on the board of regents for the Kentucky Community and Technical College System, and except the faculty member appointed under KRS 164.011(3).

(3) No postsecondary institution shall award an honorary degree to a sitting governor.

(4) All governing board members created pursuant to KRS 164.131, 164.321, and 164.821 and the members of the Council on Postsecondary Education shall have no conflict of interest pursuant to KRS 45A.340, except for compensation paid to faculty, staff, or student members.

Effective: May 30, 1997


Council on Postsecondary Education

164.011 Council on Postsecondary Education -- Membership -- Terms -- Persons who shall serve in advisory capacity.

(1) There is hereby created and established a Council on Postsecondary Education in Kentucky as an agency, instrumentality, and political subdivision of the Commonwealth and a public body corporate and politic having all powers, duties, and responsibilities as are provided to it by law, appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The council shall be composed of the commissioner of education, a faculty member, a student member, and thirteen (13) citizen members appointed by the Governor. The citizen members shall be confirmed by the Senate and the House of Representatives under KRS 11.160, and the commissioner of education shall serve as a nonvoting ex officio member. Citizen council members shall be selected from a list of nominees provided to the Governor under the nominating process set forth in KRS 164.005. If the General Assembly is not in session at the time of the appointment, persons appointed shall serve prior to confirmation, but the Governor shall seek the consent of the General Assembly at the next regular session or at an intervening extraordinary session if the matter is included in the call of the General Assembly.

(2) By no later than thirty (30) days after May 30, 1997, the Governor's Postsecondary Education Nominating Committee shall submit nominations to the Governor as set forth in KRS 164.005. On making appointments to the council, the Governor shall assure broad geographical and political representation; assure equal representation of the two (2) sexes, inasmuch as possible; assure no less than proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration; and assure that appointments reflect the minority racial composition of the Commonwealth. In filling vacancies to the council, the Governor shall act so as to provide, inasmuch as possible, equal representation of the two (2) sexes by appointing a member of the sex that is the lesser represented at the time of the appointment. If the remaining membership already has an equal number of males and females, the Governor may appoint a member of either sex. No more than two (2) members of the council shall hold an undergraduate degree from any one (1) Kentucky university, and no more than three (3) voting members of the council shall reside in any one (1)
judicial district of the Kentucky Supreme Court as of the date of the appointment. However, change in residency after the date of appointment shall not affect the ability to serve.

(3) One (1) member shall be a full-time faculty member employed at a state institution of postsecondary education. The faculty member shall be appointed to a four (4) year term by the Governor from a list of three (3) nominees selected and submitted by majority vote of the ten (10) faculty members who serve as faculty representatives of the boards of trustees and boards of regents of the nine (9) postsecondary education institutions.

(4) One (1) member shall be enrolled as a full-time student at a state institution of postsecondary education and shall be selected annually in the following manner: not later than June 1 of each year the eight (8) student body presidents of the four (4) year state public institutions of higher education and the two (2) student members to the Kentucky Community and Technical College System, and one (1) student body president representing the members of the Association of Independent Kentucky Colleges and Universities shall elect by majority vote three (3) nominees to submit to the Governor. From this list of nominees, the Governor shall appoint a student member.

(5) In filling any vacancies, the Governor shall ensure the continuing representation upon the council of the broad constituencies as set forth in subsection (2) of this section. Vacancies on the council shall be filled for the unexpired term in accordance with the procedures established for the original appointments.

(6) Each citizen member shall serve a term of six (6) years, except the initial appointments shall be as follows:
(a) Two (2) appointments shall expire December 31, 1997;
(b) Three (3) appointments shall expire December 31, 1998;
(c) Two (2) appointments shall expire December 31, 1999;
(d) Two (2) appointments shall expire December 31, 2000;
(e) Two (2) appointments shall expire December 31, 2001; and
(f) Two (2) appointments shall expire December 31, 2002.

(7) Any person, other than the chief state school officer, holding either an elective or appointive state office or who is a member of the governing board of any state university in Kentucky, shall be ineligible for membership or appointment on the council during his term.

(8) The members of the council shall elect the chair and the vice chair of the council from among the council’s membership, and the chair and vice chair shall serve at the pleasure of the council. The vice chair shall serve as chair in the absence of the chair.

(9) The council shall meet at least quarterly and at other times upon the call of the chair or a majority of the council.

(10) A quorum shall be a majority of the appointive membership of the council.

(11) A quorum shall be required to organize and conduct the business of the council, except that an affirmative vote of eight (8) or more appointive members of the entire council shall be required to dismiss from employment the president of the council, and to adopt or amend the state strategic postsecondary education agenda.
(12) New appointees to the council shall not serve more than two (2) consecutive terms. Appointees after May 30, 1997, who previously served on the Council of Higher Education may serve two (2) additional full consecutive terms.

Effective: June 25, 2013


164.013 President of council -- Transfer of personnel positions.

(1) The Council on Postsecondary Education shall set the qualifications for the position of president of the council. Except for the first president appointed under subsection (2) of this section, the council shall employ a search firm and conduct a nationwide search for candidates. The search firm employed by the council shall consider, interview, and propose three (3) or more candidates for the position of president. The council may seek additional names from the search firm or from other sources.

(2) In the selection of candidates for the first president of the Council on Postsecondary Education, the Strategic Committee on Postsecondary Education shall serve as a search committee, employing a search firm for assistance. The committee shall recommend three (3) candidates to be considered by the council and shall repeat this process until it finds a satisfactory person to appoint as the first president of the council.

(3) The president shall possess an excellent academic and administrative background, have strong communication skills, have significant experience and an established reputation as a professional in the field of postsecondary education, and shall not express, demonstrate, or appear to have an institutional or regional bias in his or her actions.

(4) The president shall be the primary advocate for postsecondary education and advisor to the Governor and the General Assembly on matters of postsecondary education in Kentucky. As the primary advocate for postsecondary education, the president shall work closely with the committee and the elected leadership of the Commonwealth to ensure that they are fully informed about postsecondary education issues and that the council fully understands the goals for postsecondary education that the General Assembly has established in KRS 164.003(2).

(5) The president may design and develop for review by the council new statewide initiatives in accordance with the strategic agenda.

(6) The president shall be compensated on a basis in excess of the base salary of any president of a Kentucky public university. The council shall set the salary of the president, which shall be exempt from state employee salary limitations as set forth in KRS 64.640.

(7) The president shall be accorded a contract to serve for a term not to exceed five (5) years, which is renewable at the pleasure of the council.

(8) The president shall determine the staffing positions and organizational structure necessary to carry out the responsibilities of the council and may employ staff. All personnel positions of the Council on Higher Education, as of May 30, 1997, with the exception of the position of executive director,
shall be transferred to the Council on Postsecondary Education. All personnel shall be transferred at the same salary and benefit levels. Notwithstanding the provisions of KRS 11A.040, any person employed by the Council on Higher Education prior to May 30, 1997, may accept immediate employment with any governmental entity or any postsecondary education organization or institution in the Commonwealth and may carry out the employment duties assigned by that entity, organization, or institution.

(9) The president shall be responsible for the day-to-day operations of the council and shall report and submit annual reports on the strategic implementation plan of the strategic agenda, carry out policy and program directives of the council, prepare and submit to the council for its approval the proposed budget of the council, and perform all other duties and responsibilities assigned by state law.

(10) With approval of the council, the president may enter into agreements with any state agency or political subdivision of the state, any state postsecondary education institution, or any other person or entity to enlist staff assistance to implement the duties and responsibilities under KRS 164.020.

(11) The president shall be reimbursed for all actual and necessary expenses incurred in the performance of all assigned duties and responsibilities.

Effective: May 30, 1997


164.020 Powers and duties of council.
The Council on Postsecondary Education in Kentucky shall:

(1) Develop and implement the strategic agenda with the advice and counsel of the Strategic Committee on Postsecondary Education. The council shall provide for and direct the planning process and subsequent strategic implementation plans based on the strategic agenda as provided in KRS 164.0203;

(2) Revise the strategic agenda and strategic implementation plan with the advice and counsel of the committee as set forth in KRS 164.004;

(3) Develop a system of public accountability related to the strategic agenda by evaluating the performance and effectiveness of the state's postsecondary system. The council shall prepare a report in conjunction with the accountability reporting described in KRS 164.095, which shall be submitted to the committee, the Governor, and the General Assembly by December 1 annually. This report shall include a description of contributions by postsecondary institutions to the quality of elementary and secondary education in the Commonwealth;

(4) Review, revise, and approve the missions of the state's universities and the Kentucky Community and Technical College System. The Council on Postsecondary Education shall have the final authority to determine the compliance of postsecondary institutions with their academic, service, and research missions;

(5) Establish and ensure that all postsecondary institutions in Kentucky cooperatively provide for an integrated system of postsecondary education. The council shall guard against inappropriate and
unnecessary conflict and duplication by promoting transferability of credits and easy access of information among institutions;

(6) Engage in analyses and research to determine the overall needs of postsecondary education and adult education in the Commonwealth;

(7) Develop plans that may be required by federal legislation. The council shall for all purposes of federal legislation relating to planning be considered the "single state agency" as that term may be used in federal legislation. When federal legislation requires additional representation on any "single state agency," the Council on Postsecondary Education shall establish advisory groups necessary to satisfy federal legislative or regulatory guidelines;

(8) Determine tuition and approve the minimum qualifications for admission to the state postsecondary educational system. In defining residency, the council shall classify a student as having Kentucky residency if the student met the residency requirements at the beginning of his or her last year in high school and enters a Kentucky postsecondary education institution within two (2) years of high school graduation. In determining the tuition for non-Kentucky residents, the council shall consider the fees required of Kentucky students by institutions in adjoining states, the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions, and other factors the council may in its sole discretion deem pertinent;

(9) Devise, establish, and periodically review and revise policies to be used in making recommendations to the Governor for consideration in developing recommendations to the General Assembly for appropriations to the universities, the Kentucky Community and Technical College System, and to support strategies for persons to maintain necessary levels of literacy throughout their lifetimes including but not limited to appropriations to the Kentucky Adult Education Program. The council has sole discretion, with advice of the Strategic Committee on Postsecondary Education and the executive officers of the postsecondary education system, to devise policies that provide for allocation of funds among the universities and the Kentucky Community and Technical College System;

(10) Lead and provide staff support for the biennial budget process as provided under KRS Chapter 48, in cooperation with the committee;

(11) (a) Except as provided in paragraph (b) of this subsection, review and approve all capital construction projects covered by KRS 45.750(1)(f), including real property acquisitions, and regardless of the source of funding for projects or acquisitions. Approval of capital projects and real property acquisitions shall be on a basis consistent with the strategic agenda and the mission of the respective universities and the Kentucky Community and Technical College System.

(b) The organized groups that are establishing community college satellites as branches of existing community colleges in the counties of Laurel, Leslie, and Muhlenberg, and that have substantially obtained cash, pledges, real property, or other commitments to build the satellite at no cost to the Commonwealth, other than operating costs that shall be paid as part of the operating budget of the
main community college of which the satellite is a branch, are authorized to begin construction of the satellite on or after January 1, 1998;

(12) Require reports from the executive officer of each institution it deems necessary for the effectual performance of its duties;

(13) Ensure that the state postsecondary system does not unnecessarily duplicate services and programs provided by private postsecondary institutions and shall promote maximum cooperation between the state postsecondary system and private postsecondary institutions. Receive and consider an annual report prepared by the Association of Independent Kentucky Colleges and Universities stating the condition of independent institutions, listing opportunities for more collaboration between the state and independent institutions and other information as appropriate;

(14) Establish course credit, transfer, and degree components as required in KRS 164.2951;

(15) Define and approve the offering of all postsecondary education technical, associate, baccalaureate, graduate, and professional degree, certificate, or diploma programs in the public postsecondary education institutions. The council shall expedite wherever possible the approval of requests from the Kentucky Community and Technical College System board of regents relating to new certificate, diploma, technical, or associate degree programs of a vocational-technical and occupational nature. Without the consent of the General Assembly, the council shall not abolish or limit the total enrollment of the general program offered at any community college to meet the goal of reasonable access throughout the Commonwealth to a two (2) year course of general studies designed for transfer to a baccalaureate program. This does not restrict or limit the authority of the council, as set forth in this section, to eliminate or make changes in individual programs within that general program;

(16) Eliminate, in its discretion, existing programs or make any changes in existing academic programs at the state's postsecondary educational institutions, taking into consideration these criteria:
   (a) Consistency with the institution's mission and the strategic agenda;
   (b) Alignment with the priorities in the strategic implementation plan for achieving the strategic agenda;
   (c) Elimination of unnecessary duplication of programs within and among institutions; and
   (d) Efforts to create cooperative programs with other institutions through traditional means, or by use of distance learning technology and electronic resources, to achieve effective and efficient program delivery;

(17) Ensure the governing board and faculty of all postsecondary education institutions are committed to providing instruction free of discrimination against students who hold political views and opinions contrary to those of the governing board and faculty;

(18) Review proposals and make recommendations to the Governor regarding the establishment of new public community colleges, technical institutions, and new four (4) year colleges;

(19) Postpone the approval of any new program at a state postsecondary educational institution, unless the institution has met its equal educational opportunity goals, as established by the council. In accordance with administrative regulations promulgated by the council, those institutions not
meeting the goals shall be able to obtain a temporary waiver, if the institution has made substantial
progress toward meeting its equal educational opportunity goals;

(20) Ensure the coordination, transferability, and connectivity of technology among postsecondary
institutions in the Commonwealth including the development and implementation of a technology
plan as a component of the strategic agenda;

(21) Approve the teacher education programs in the public institutions that comply with standards
established by the Education Professional Standards Board pursuant to KRS 161.028;

(22) Constitute the representative agency of the Commonwealth in all matters of postsecondary
education of a general and statewide nature which are not otherwise delegated to one (1) or more
institutions of postsecondary learning. The responsibility may be exercised through appropriate
contractual relationships with individuals or agencies located within or without the Commonwealth.
The authority includes but is not limited to contractual arrangements for programs of research,
specialized training, and cultural enrichment;

(23) Maintain procedures for the approval of a designated receiver to provide for the maintenance of
student records of the public institutions of higher education and the colleges as defined in KRS
164.945, and institutions operating pursuant to KRS 165A.310 which offer collegiate level courses
for academic credit, which cease to operate. Procedures shall include assurances that, upon proper
request, subject to federal and state laws and regulations, copies of student records shall be made
available within a reasonable length of time for a minimum fee;

(24) Monitor and transmit a report on compliance with KRS 164.351 to the director of the Legislative
Research Commission for distribution to the Health and Welfare Committee;

(25) Develop in cooperation with each state postsecondary educational institution a comprehensive
orientation program for new members of the council and the governing boards. The orientation
program shall include but not be limited to the information concerning the roles of the council, the
strategic agenda and the strategic implementation plan, and the respective institution's mission,
budget, plans, policies, strengths, and weaknesses;

(26) Develop a financial reporting procedure to be used by all state postsecondary education institutions
to ensure uniformity of financial information available to state agencies and the public;

(27) Select and appoint a president of the council under KRS 164.013;

(28) Employ consultants and other persons and employees as may be required for the council's
operations, functions, and responsibilities;

(29) Promulgate administrative regulations, in accordance with KRS Chapter 13A, governing its powers,
duties, and responsibilities as described in this section;

(30) Prepare and present by January 31 of each year an annual status report on postsecondary education
in the Commonwealth to the Governor, the Strategic Committee on Postsecondary Education, and
the Legislative Research Commission;

(31) Consider the role, function, and capacity of independent institutions of postsecondary education in
developing policies to meet the immediate and future needs of the state. When it is found that
independent institutions can meet state needs effectively, state resources may be used to contract
with or otherwise assist independent institutions in meeting these needs;

(32) Create advisory groups representing the presidents, faculty, nonteaching staff, and students of the
public postsecondary education system and the independent colleges and universities;

(33) Develop a statewide policy to promote employee and faculty development in all postsecondary
institutions and in state and locally operated secondary area technology centers through the waiver
of tuition for college credit coursework in the public postsecondary education system. Any regular
full-time employee of a postsecondary public institution or a state or locally operated secondary
area technology center may, with prior administrative approval of the course offering institution,
take a maximum of six (6) credit hours per term at any public postsecondary institution. The
institution shall waive the tuition up to a maximum of six (6) credit hours per term;

(34) Establish a statewide mission for adult education and develop a twenty (20) year strategy, in
partnership with the Kentucky Adult Education Program, under the provisions of KRS 164.0203 for
raising the knowledge and skills of the state's adult population. The council shall:
(a) Promote coordination of programs and responsibilities linked to the issue of adult education with
the Kentucky Adult Education Program and with other agencies and institutions;
(b) Facilitate the development of strategies to increase the knowledge and skills of adults in all
counties by promoting the efficient and effective coordination of all available education and
training resources;
(c) Lead a statewide public information and marketing campaign to convey the critical nature of
Kentucky's adult literacy challenge and to reach adults and employers with practical information
about available education and training opportunities;
(d) Establish standards for adult literacy and monitor progress in achieving the state's adult literacy
goals, including existing standards that may have been developed to meet requirements of federal
law in conjunction with the Collaborative Center for Literacy Development: Early Childhood
through Adulthood; and
(e) Administer the adult education and literacy initiative fund created under KRS 164.041;

(35) Participate with the Kentucky Department of Education, the Kentucky Board of Education, and
postsecondary education institutions to ensure that academic content requirements for successful
entry into postsecondary education programs are aligned with high school content standards and
that students who master the high school academic content standards shall not need remedial
courses. The council shall monitor the results on an ongoing basis;

(36) Cooperate with the Kentucky Department of Education and the Education Professional Standards
Board in providing information sessions to selected postsecondary education content faculty and
teacher educators of the high school academic content standards as required under KRS
158.6453(2)(j);

(37) Cooperate with the Office for Education and Workforce Statistics and ensure the participation of
the public institutions as required in KRS 151B.133; and
Exercise any other powers, duties, and responsibilities necessary to carry out the purposes of this chapter. Nothing in this chapter shall be construed to grant the Council on Postsecondary Education authority to disestablish or eliminate any college of law which became a part of the state system of higher education through merger with a state college.

**Effective:** July 15, 2014


**Legislative Research Commission Note** (3/25/2009) The Reviser of Statutes has altered the numbering of subsections (35), (36), and (37) of this statute from the way it appeared in 2009 Ky. Acts ch. 101, sec. 13, under the authority of KRS 7.136(1)(c).

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**164.0203 Strategic agenda -- Strategic implementation plan -- Benchmarks -- Review of goals and plan.**

(1) The Council on Postsecondary Education shall adopt a strategic agenda that identifies specific short-term objectives in furtherance of the long-term goals established in KRS 164.003(2).

(2) (a) The purpose of the strategic agenda is to further the public purposes under KRS 164.003 by creating high-quality, relevant, postsecondary education and adult education opportunities in the Commonwealth. The strategic agenda shall:

1. Serve as the public agenda for postsecondary education and adult education for the citizens of the Commonwealth, providing statewide priorities and a vision for long-term economic growth;

2. State those important issues and aspirations of the Commonwealth's students, employers, and workforce reflecting high expectations for their performance and the performance of the educational institutions and providers that serve them; and

3. Sustain a long-term commitment for constant improvement, while valuing market-driven responsiveness, accountability to the public, technology-based strategies, and incentive-based motivation.

(b) The council shall develop a strategic implementation plan, which may be periodically revised, to achieve the strategic agenda. The strategic agenda shall serve as a guide for institutional plans and missions.

(3) The framework for the strategic implementation plan of the strategic agenda shall include the following elements:
(a) A mission statement;
(b) Goals;
(c) Principles;
(d) Strategies and objectives;
(e) Benchmarks; and
(f) Incentives to achieve desired results.

(4) The implementation plan for the strategic agenda shall take into consideration the value to society of a quality liberal arts education and the needs and concerns of Kentucky's employers.

(5) The council shall develop benchmarks using criteria that shall include but not be limited to:
   (a) Use of the statistical information commonly provided by governmental and regulatory agencies or specific data gathered by authorization of the council;
   (b) Comparison of regions and areas within the Commonwealth and comparisons of the Commonwealth to other states and the nation; and
   (c) Measures of educational attainment, effectiveness, and efficiency, including but not limited to those set forth in KRS 164.095.

(6) The council shall review the goals established by KRS 164.003(2) at least every four (4) years and shall review its implementation plan at least every two (2) years.

(7) In developing the strategic agenda, the council shall actively seek input from the Department of Education and local school districts to create necessary linkages to assure a smooth and effective transition for students from the elementary and secondary education system to the postsecondary education system. Upon completion of the strategic agenda and strategic implementation plan, the council shall distribute copies to each local school district.

(8) The strategic agenda shall include a long-term strategy, developed in partnership with the Kentucky Adult Education Program, for raising the knowledge and skills of Kentucky's adult population, and ensuring lifelong learning opportunities for all Kentucky adults, drawing on the resources of all state government cabinets and agencies, business and civic leadership, and voluntary organizations.

Effective: July 12, 2006


164.0205 Role of council with respect to program created by KRS 158.798.
The Council on Postsecondary Education in Kentucky shall promote, support, and assist in the program created in KRS 158.798 by:

(1) Identifying college students who have a superior academic aptitude or achievement in math, science, and technology related course work to participate in this program;
(2) Educating higher education institutions as to the availability of this program and encouraging participation by administrators, faculty, and students;
(3) Establishing liaison and assisting in the coordination of any specific program component which involves college-level internships, scholarships, or career development.

**Effective:** May 30, 1997  

### 164.021 Advisory Conference of Presidents.

The president or chief executive officer of each four (4) year state institution of higher learning, the president of the Kentucky Community and Technical College System, and the president of the Association of Independent Kentucky Colleges and Universities shall serve on an advisory conference for the Council on Postsecondary Education. The Advisory Conference of Presidents will receive the full agenda for each meeting of the council a reasonable time prior to the council meeting and, in the event of viewpoints differing from the Council on Postsecondary Education, an elected spokesperson for the conference may meet with the council and the executive committee to present before the council the institutional positions on such issues. At least once each year the Council on Postsecondary Education will meet with the Advisory Conference of Presidents.

**Effective:** July 15, 2002  

### 164.0211 Board of Student Body Presidents.

(1) The student body president of each four (4) year public university, the two (2) student regents to be designated by the board of regents of the Kentucky Community and Technical College System, and one (1) student body president representing the members of the Association of Independent Kentucky Colleges and Universities shall serve on an advisory board to be known as the Board of Student Body Presidents. The student body president representing the independent colleges and universities shall be selected under a process established by the Association of Independent Kentucky Colleges and Universities.

(2) The Board of Student Body Presidents shall advise the legislative and executive branches regarding postsecondary education issues and concerns of students.

(3) At least once each year, the Board of Student Body Presidents shall meet with the Council on Postsecondary Education and the Advisory Conference of Presidents.

(4) The Board of Student Body Presidents shall submit the names of three (3) nominees to the Governor for consideration in the appointment of a student member to the Council on Postsecondary Education pursuant to KRS 164.011.

**Effective:** June 25, 2013  
**History:** Created 2013 Ky. Acts ch. 124, sec. 4, effective June 25, 2013.
164.027   Occupational qualification development program -- State payments to participating municipal junior colleges.

(1) The Council on Postsecondary Education shall have authority to provide for a program of occupational qualification development in the Commonwealth. The program may be provided for by contract with any recognized and accredited municipal junior college located within the Commonwealth. The contract shall provide that the college shall admit to its course of instruction, up to such percentage of its full teaching capacity as may be fixed by contract, residents of the Commonwealth who make application to pursue the course of study of the college; provided, however, that the persons shall be classified as residents according to council administrative regulations and shall be eligible for admissions to the junior college.

(2) The Council on Postsecondary Education shall pay to the college not more than two hundred dollars ($200) per school year for each student enrolled. The payments shall be additional to the annual tuition fees paid by each student. The council shall have authority to provide by contract that it pay the expense of specific research projects or programs conducted by the college. The council shall make an annual report of its occupational qualification development program after June 30 of each year, including an accounting of all moneys received and disbursed. The council shall have no authority to incur any obligation in excess of the sums that have been appropriated to it.

Effective: May 30, 1997


164.028   Office of Professional Education Preparation Programs.

There shall be established in the Council on Postsecondary Education an Office of Professional Education Preparation Programs. The office shall have as its principal responsibility the coordination, development, and implementation, through appropriate means, of educational activities directed toward solving the problem of professional manpower distribution in the Commonwealth. For the purposes of KRS 164.028 to 164.029, the words "profession" and "professional" mean medicine and dentistry.

Effective: May 30, 1997


164.0282   Duties of Council on Postsecondary Education as to professional education preparation programs.

The Council on Postsecondary Education shall:

(1) Employ a director and sufficient staff to administer the professional education preparation programs;
(2) Formulate guidelines and policies governing program activities and fund expenditures;
(3) Allocate funds to appropriate agencies, organizations, and institutions for the purpose of conducting activities approved in accordance with guidelines and policies;
(4) Recognize regional groups made up of professionals, educators, and consumers, which shall serve in an advisory capacity to the council in accordance with guidelines and policies;

(5) Recognize a group made up of professionals, educators, and consumers which shall serve in an advisory capacity to the council on all program matters;

(6) Develop and maintain a mechanism for evaluating the impact of the program activities on admissions to, and graduation from, professional schools, and on professional manpower distribution;

(7) Conduct specific program activities which are beyond the capability of a single institution, agency, or organization, or when it is determined that it would be inappropriate for such institutions, agencies, or organizations to conduct the activity;

(8) Establish liaison with and provide assistance to the Kentucky Board of Education in developing counseling and other related programs to encourage students from shortage areas to prepare for professional careers;

(9) Coordinate the development of a financial support system to enable potential professional students in underserved areas which will enhance their ability to apply for, be admitted to, and graduate from professional education programs;

(10) Report at least annually to the appropriate committees and interim committees of the General Assembly on the operation of the program.

Effective: May 30, 1997


164.029 Recognition of Area Health Education System.
The Area Health Education System in the Council on Postsecondary Education is hereby recognized.

Effective: May 30, 1997


164.030 Regulations of council to be followed by state postsecondary educational institutions.
The governing board of each of the state postsecondary educational institutions shall make such changes or adjustments in the curricula and such rules and regulations affecting their schools as are necessary to carry out and put into effect the rulings of the Council on Postsecondary Education in regard to curricular offerings, entrance fees, and qualifications for admission to and reports from their respective institutions.

Effective: May 30, 1997

164.035  **Needs assessment for adult education and workforce development.**
The Council on Postsecondary Education, in consultation with the Kentucky Adult Education Program and the Collaborative Center for Literacy Development: Early Childhood through Adulthood, shall assess the need for technical assistance, training, and other support to assist in the development of adult education and workforce development that support the state strategic agenda and that include a comprehensive coordinated approach to education and training services. The council shall promote the involvement of universities; colleges; technical institutions; elementary and secondary educational agencies; labor, business, and industry representatives; community-based organizations; citizens' groups; and other policymakers in the development of the regional strategies.

**Effective:** July 12, 2006


164.037  **Standardized degree programs.**
The Council on Postsecondary Education may identify academic programs offered at institutions to which the criteria for a standardized degree program shall be applied.

(1) If the council determines that a particular degree program offered by any state postsecondary institution shall be a standardized degree program, then the council shall direct each institution offering the degree program to collaborate under the direction of the council and establish the courses and the course content required for that degree program.

(2) If the various institutions cannot agree upon the courses required or the content of the courses, then the council shall make these determinations.

(3) All courses approved for a standardized degree shall be transferable among all institutions granting that degree.

**Effective:** May 30, 1997


164.050  **Compensation and expenses of members.**
The members of the Council on Postsecondary Education shall receive one hundred dollars ($100) per day for each council meeting attended and shall be reimbursed for their necessary traveling and other expenses while attending the meetings of the council, except a member who resides outside the Commonwealth shall not be reimbursed for out-of-state travel. Each institution shall pay the expenses of its own representatives. The expenses of the chief state school officer shall be paid by the state in the same manner as his other traveling expenses are paid.

**Effective:** May 30, 1997

164.070  **Place of meeting.**
The council shall meet in the office of the president or such other place as it designates.

**Effective:** May 30, 1997  

164.095  **Postsecondary education accountability process -- Annual accountability report.**

(1) As used in this section, unless the context requires otherwise:

(a) "Disability" means hard of hearing, including deafness; speech or language impairment; visual impairment, including blindness; orthopedic impairment; other health impairment that substantially limits a major life activity; or specific learning problem.

(b) "Institution" means public universities, their subdivisions, and the Kentucky Community and Technical College System.

(2) It is the intent of the General Assembly that an accountability process be implemented which provides for a systematic ongoing evaluation of quality and effectiveness in Kentucky postsecondary educational institutions and to provide a method for evaluating each institution's progress toward meeting specific goals, principles, strategies, objectives, and benchmarks as set forth in the strategic agenda established in KRS 164.0203. It is further the intent of the General Assembly that the accountability process monitor performance at the institutions in each of the major areas of instruction, research, and public service, while recognizing the individual missions of each of the institutions. The accountability process shall provide for the adoption of systemwide and individual performance goals with standards identified with the advice of the postsecondary educational institutions and the Council on Postsecondary Education.

(3) The Council on Postsecondary Education shall develop and implement a system of accountability for the postsecondary education institutions that measures:

(a) Educational quality and educational outcomes;

(b) Student progress in the postsecondary system;

(c) Research and service activities;

(d) Use of resources;

(e) Other performance or outcomes that support the achievement of the strategic agenda, including involvement in quality enhancement of elementary and secondary education; and

(f) Other indicators as deemed appropriate by the Council on Postsecondary Education.

(4) The Council on Postsecondary Education shall collect information, maintain a comprehensive database, and publish reports on the condition of the postsecondary education system that include but are not limited to student enrollments, utilization of facilities, and the finances of the institutions.

(5) The Council on Postsecondary Education shall submit to the Governor and the Legislative Research Commission an annual accountability report providing information on the implementation of
Institutions of Higher Learning

164.281 Public institution of postsecondary education criminal history background checks -- Initial hires, contractors, employees, volunteers, visitors -- Disclosures -- Termination.

(1) Each public institution of postsecondary education shall require a criminal history background check on all initial hires.

(a) The background check shall consist of a state criminal history background check and a national criminal history background check.

(b) Applications shall authorize the appropriate agency to search police records for convictions and make results known to the institution, and the institution may require the applicant to bear the cost of the criminal history background check.

(2) Each public institution of postsecondary education may require a criminal history background check on a contractor, employee of a contractor, volunteer for the institution or a program of the institution, or visitor, subject to the same terms and conditions as in subsection (1) of this section.

(3) If, upon review of the results of the criminal history background check, a public institution of postsecondary education finds that the applicant, contractor, employee of a contractor, volunteer, or visitor has been convicted of, pled guilty to, or entered an Alford plea to a sex crime as specified in KRS 17.500 or a violent offense as specified in KRS 439.3401, the institution may:

(a) Deny employment or modify the conditions of employment to provide for appropriate supervision;

(b) Deny a contractor or a contractor's employee a permit to enter the institution or its grounds, or modify the contract to provide for appropriate supervision;

(c) Prohibit a person from volunteering or require the person to agree to appropriate supervision; or

(d) Prohibit a person from visiting the institution or its grounds, or require that person to agree to appropriate supervision.

(4) Each application or renewal form, provided by the institution to an applicant for employment, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A STATE AND NATIONAL CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT."

(5) If the institution requires a criminal history background check for contractors, employees of contractors, volunteers, or visitors, the institution shall provide to the prospective person or organization the following statement: "FOR THIS TYPE OF CONTRACT OR FOR BEING AN
EMPLOYEE OF A CONTRACTOR, A VOLUNTEER FOR THE INSTITUTION OR AN INSTITUTIONAL PROGRAM, OR A VISITOR OF THE INSTITUTION, THIS INSTITUTION REQUIRES A STATE AND NATIONAL CRIMINAL HISTORY BACKGROUND CHECK."

(6) If an employee of the public institution of postsecondary education is convicted of, pleads guilty to, enters an Alford plea to, or is adjudicated guilty of an offense specified in subsection (3) of this section, the employment of that person may, at the discretion of the institution, be terminated as of the date of the conviction.

(7) A private college or university located in the Commonwealth may utilize at its discretion any of the provisions of this section, providing that it does so in a written institutional document.

Effective: July 12, 2006

164.282 Hepatitis B information to be provided to first-time students.
(1) All public and independent postsecondary education institutions shall provide first-time, full-time students with information about hepatitis B disease. The information shall include:
   (a) Symptoms and treatment;
   (b) The risk factors associated with hepatitis B acquisition and transmission; and
   (c) Current recommendations from the United States Centers for Disease Control and Prevention, or the American College Health Association regarding the availability and effectiveness of a hepatitis B vaccination.

(2) Nothing in this section shall be construed to require the Cabinet for Health and Family Services or the postsecondary institutions to provide or purchase vaccinations for hepatitis B.

Effective: June 20, 2005

164.283 Student academic records confidential -- Exceptions.
(1) As used in this section unless the context otherwise requires:
   (a) "Academic" means a student's official record of academic performance, including, but not limited to transcript of grades or other action taken by the institution directly related to academic performance. The term "academic" does not include any nonacademically-related action the institution may take.
   (b) "Universities and colleges" means all state supported postsecondary educational institutions in Kentucky.
   (c) "Institution" means all public supported institutions of higher learning in Kentucky.

(2) All student academic records shall be confidential and shall not require a student's Social Security number to identify the student, with the exception of the exemptions stated in subsections (3) to (9) of this section, and shall not be released by any public supported institution of higher education in
Kentucky, to any person, organization, institution, group, or agency, except with the express consent of the individual student. This confidentiality shall apply only to student academic records, including, but not limited to, official transcript of grades.

(3) All student academic records shall be made available upon request to any agency of the federal or state government for the purpose of determining a student's eligibility for military service and shall include making such records available to local draft boards. This authority shall be limited only to determining the student's eligibility for military service and shall not be extended, except with the individual student's consent as specified in subsection (2) of this section.

(4) Any institution may provide the legal parents of any student under twenty-one (21) years of age with a copy of the student's academic record.

(5) All student academic records shall be made available to any federal, state, or local law enforcement agency, the Department of Juvenile Justice, and any court of law upon written request.

(6) All student academic records shall be made available upon request to any grantor of scholarships or loans based upon the maintenance of a satisfactory level of scholarship, but shall be for the official use of the grantors only.

(7) All student academic records shall be made available upon request to a public or private junior college from which the individual student was graduated or to a public or private secondary school from which the individual student was graduated.

(8) All student academic records shall be made available upon request to the Council on Postsecondary Education for professional academic research.

(9) All student academic records shall be made available upon request to any official of the university or college in which the student is enrolled who is directly concerned with the student's academic progress. This authority shall include but is not limited to the individual student's academic adviser.

(10) This section shall be applicable to all academic records maintained by all public postsecondary educational institutions in Kentucky.

**Effective:** July 15, 1998


### 164.284 Waiver of tuition and fees for person sixty-five or older -- Conditions.

(1) When any person sixty-five (65) years of age or older, who is a resident of the Commonwealth, is admitted and enrolls as a student in any state-supported institution of higher learning in this Commonwealth, the board of trustees of the institution or other appropriate institution officials shall waive all tuition charges and fees for such student, except as provided in subsection (2) of this section.

(2) In the event that classes are full or the granting of free admission requires additional units, the institution may deny admission under this section.

**History:** Created 1976 Ky. Acts ch. 319, sec. 1.
164.2841 Free tuition at state-supported school for survivor of police officer, firefighter, or volunteer firefighter killed in line of duty -- Free tuition at state-supported school for survivor of other state-administered retirement system participants who died as a result of duty-related injury -- Limitation.

(1) (a) Any person whose parent or any nonmarried widow or widower whose spouse was a resident of the Commonwealth of Kentucky upon becoming a law enforcement officer, firefighter, or volunteer firefighter and who was killed while in active service or training for active service or who died as a result of a service-connected disability shall not be required to pay any matriculation or tuition fee upon admission to any state-supported university, community college, or vocational training institution. The provisions of this subsection shall apply to any firefighter or volunteer firefighter who is killed or dies under the conditions covered in this subsection on July 1, 1989, or thereafter.

(b) In order to obtain the benefits conferred by paragraph (a) of this subsection, the parent-child relationship shall be shown by birth certificate, adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence. The parent's or spouse's service and the cause of death shall be evidenced by certification from the records of the Kentucky Justice and Public Safety Cabinet, the appropriate city or county law enforcement agency which employed the deceased, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes.

(2) (a) Any person whose parent or any nonmarried widow or widower whose spouse was an employee participating in a state-administered retirement system, and not otherwise covered by subsection (1) of this section, and who died as a result of a duty-related injury as described in KRS 61.621 shall not be required to pay any matriculation or tuition fee upon admission to any state-supported university, community college, or vocational training institution.

(b) In order to obtain the benefits conferred by paragraph (a) of this subsection, the parent-child relationship shall be shown by birth certificate, adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence. The parent's or spouse's service and the cause of death shall be evidenced by certification from the records of the employing agency or the appropriate retirement system.

(3) If one so admitted to a state-supported university, community college, or vocational training institution under the provisions of this section shall have obtained a cash scholarship paid or payable to the institution, from whatever source, the amount of the scholarship shall be applied to the credit of the applicant in the payment of incidental expenses of his attendance at the institution, and any balance, if the terms of the scholarship permit, shall be returned to the applicant.

Effective: June 26, 2007

164.2842 Free tuition at state-supported school for survivor of police officer, firefighter, or volunteer firefighter permanently and totally disabled in line of duty -- Free tuition at state-supported school for survivor of other state-administered retirement system participants disabled as a result of duty-related injury.

(1) (a) The spouse, regardless of age, and any child of a permanently and totally disabled law enforcement officer, firefighter, or volunteer firefighter injured while in active service or in training for active service, who is over the age of seventeen (17) and under the age of twenty-three (23) shall not be required to pay any matriculation or tuition fee upon his admission to any state-supported university, community college, or vocational training institution for a period not in excess of thirty-six (36) months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion.

(b) For the spouse or child to be entitled to benefits under this section, the disabled law enforcement officer, firefighter, or volunteer firefighter shall be rated permanently and totally disabled for pension purposes or one hundred percent (100%) disabled for compensation purposes by the Kentucky Justice and Public Safety Cabinet, the appropriate city or county law enforcement agency which employed the disabled, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes, or if deceased, the claim to benefits is to be based on the rating held by the law enforcement officer, firefighter, or volunteer firefighter at the time of death. The parent's or spouse's service and rating shall be evidenced by certification from the records of the Kentucky Justice and Public Safety Cabinet, the appropriate local law enforcement agency, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes.

(c) In the absence of certification of permanent and total disability by the Kentucky Department of Workers' Claims, the Kentucky Justice and Public Safety Cabinet, the appropriate local law enforcement agency, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes, medical evidence showing permanent and total disability or the existence of permanent and total disability for a period of at least thirty (30) days immediately prior to death may be accepted, if this evidence is signed by a physician licensed to practice or an official of an accredited medical hospital.

(d) The parent-child relationship shall be shown by birth certificate, legal adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence.
(e) To entitle a spouse or child to benefits under this section the disabled law enforcement officer, firefighter, or volunteer firefighter shall have been a resident of the Commonwealth of Kentucky upon becoming a law enforcement officer, firefighter, or volunteer firefighter.

(2) (a) The spouse, regardless of age, and any child of a person who was an employee participating in a state-administered retirement system and not otherwise covered by subsection (1) of this section and who was disabled as a result of a duty-related injury as described in KRS 61.621, who is over the age of seventeen (17) and under the age of twenty-three (23) shall not be required to pay any matriculation or tuition fee upon his admission to any state-supported university, community college, or vocational training institution for a period not in excess of thirty-six (36) months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion.

(b) The parent-child relationship shall be shown by birth certificate, legal adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence.

(3) The marriage of an eligible child shall not serve to deny full entitlement to the benefits provided in this section.

Effective: July 15, 2010

164.2844 Tuition rates for nonresident veterans at Kentucky's public universities.
Notwithstanding KRS 164.020(8), the governing board of a Kentucky public university may adopt a tuition policy whereby any veteran of the Armed Forces of the United States or National Guard who is eligible for Post-9/11 GI Bill benefits who enrolls as a student in the university as a non-Kentucky resident is charged no more than the maximum tuition reimbursement provided under the Post-9/11 GI Bill to public universities for eligible Kentucky residents.

Effective: June 8, 2011

164.2847 Waiver of tuition and mandatory student fees for Kentucky foster or adopted children.
(1) Tuition and mandatory student fees for any undergraduate program of any Kentucky public postsecondary institution, including all four (4) year universities and colleges and institutions of the Kentucky Community and Technical College System, shall be waived for a Kentucky foster or adopted child who is a full-time or part-time student if the student meets all entrance requirements and maintains academic eligibility while enrolled at the postsecondary institution, and if:

(a) The student's family receives state-funded adoption assistance under KRS 199.555;

(b) The student is currently committed to the Cabinet for Health and Family Services under KRS 610.010(5) and placed in a family foster home or is placed in accordance with KRS 605.090(3);
The student in an independent living program and the placement is funded by the Cabinet for Health and Family Services;

The student who is an adopted child was in the permanent legal custody of and placed for adoption by the Cabinet for Health and Family Services. A student who meets the eligibility criteria of this paragraph and lives outside of Kentucky at the time of application to a Kentucky postsecondary institution may apply for the waiver up to the amount of tuition for a Kentucky resident; or

(e) The Cabinet for Health and Family Services was the student's legal custodian on his or her eighteenth birthday.

(2) Tuition and mandatory student fees for any undergraduate program of any Kentucky public postsecondary institution, including all four (4) year universities and colleges and institutions of the Kentucky Community and Technical College System, shall be waived for a Department of Juvenile Justice foster child who is a full-time or part-time student if the student meets all entrance requirements and maintains academic eligibility while enrolled at the postsecondary institution and obtains a recommendation for participation from an official from the Department of Juvenile Justice, and if:

(a) The student has not been sentenced to the Department of Juvenile Justice under KRS Chapter 640;
(b) The student has been committed to the Department of Juvenile Justice for a period of at least twelve (12) months;
(c) The student is in an independent living program and placement is funded by the Department of Juvenile Justice;
(d) The parental rights of the student's biological parents have been terminated; or
(e) The student was committed to the Cabinet for Health and Family Services prior to a commitment to the Department of Juvenile Justice.

(3) Upon request of the postsecondary institution, the Cabinet for Health and Family Services shall confirm the eligibility status under subsection (1) of this section and the Department of Juvenile Justice shall confirm the eligibility status and recommendations under subsection (2) of this section of the student seeking to participate in the waiver program. Release of this information shall not constitute a breach of confidentiality required by KRS 199.570, 610.320, or 620.050.

(4) The student shall complete the Free Application for Federal Student Aid to determine the level of need and eligibility for state and federal financial aid programs. If the sum of the tuition waiver plus other student financial assistance, except loans and the work study program under 42 U.S.C. secs. 2751-2756b, from all sources exceeds the student's total cost of attendance, as defined in 20 U.S.C. sec. 1087ll, the tuition waiver shall be reduced by the amount exceeding the total cost of attendance.

(5) The student shall be eligible for the tuition waiver:
(a) For entrance to the institution for a period of no more than four (4) years after the date of graduation from high school; and
(b) For a period of five (5) years after first admittance to any Kentucky institution if satisfactory progress is achieved or maintained, except when extended in accordance with subsection (6) of this section.
(6) The expiration of a student's five (5) year eligibility under subsection (5)(b) of this section shall be extended upon a determination by the institution that the student was unable to enroll for or complete an academic term due to serving:
(a) On active duty status in the United States Armed Forces;
(b) As an officer in the Commissioned Corps of the United States Public Health Service; or
(c) On active service in the Peace Corps Act or the Americorps. The original expiration date shall be extended by the total number of years during which the student was on active duty status. The number of months served on active duty status shall be rounded up to the next higher year to determine the maximum length of eligibility extension allowed.

(7) The Cabinet for Health and Family Services shall report the number of students participating in the tuition waiver program under subsection (1) of this section and the Department of Juvenile Justice shall report the number of students participating in the tuition waiver program under subsection (2) of this section on October 1 each year to the Council on Postsecondary Education and the Legislative Research Commission.

(8) The Council on Postsecondary Education shall report nonidentifying data on graduation rates of students participating in the tuition waiver program by November 30 each year to the Legislative Research Commission.

(9) Nothing in this section shall be construed to:
(a) Guarantee acceptance of or entrance into any postsecondary institution for a foster or adopted child;
(b) Limit the participation of a foster or adopted student in any other program of financial assistance for postsecondary education;
(c) Require any postsecondary institution to waive costs or fees relating to room and board; or
(d) Restrict any postsecondary institution, the Department of Juvenile Justice, or the Cabinet for Health and Family Services from accessing other sources of financial assistance, except loans, that may be available to a foster or adopted student.

Effective: July 15, 2014

164.2865 Legislative findings and declarations relating to meningococcal meningitis disease.
The General Assembly hereby finds and declares that:
(1) Meningococcal meningitis disease is a potentially fatal infectious and contagious bacterial disease that can be spread by coughing and sharing drinking glasses;
(2) Since the disease often presents itself with flu-like symptoms, many victims of the disease die before it is even diagnosed. From 1991 to 1997, the cases of meningococcal meningitis disease in young adults fifteen (15) to twenty-four (24) years of age nearly doubled;
Survivors of meningococcal meningitis disease may have severe after-effects of the disease, including an intellectual disability, hearing loss, and loss of limbs;

College freshmen residing on campus in dormitories or residence halls have a risk of meningococcal meningitis disease over seven (7) times higher than do college students overall;

The meningococcal meningitis disease vaccine has been shown to be eighty-five percent (85%) to ninety percent (90%) effective in producing antibodies against the most common strains of the disease; and

The Centers for Disease Control and Prevention (CDC) recommends that college freshmen and their parents be educated about meningococcal meningitis disease and that vaccination should be made easily available to freshmen and undergraduate students who want to reduce their risk of disease.

Effective: July 15, 2010

### 164.2867 Provision of vaccination information regarding meningococcal meningitis disease to postsecondary students.

(1) Each public or private educational institution that offers a postsecondary degree and has a residential campus shall provide vaccination information on meningococcal meningitis disease to full-time students living in resident housing.

(2) The vaccination information shall be contained in the student housing or enrollment application or lease document and shall include a space for the student to indicate whether or not the student has received the vaccination against meningococcal meningitis disease. If institutions provide electronic enrollment or registration to first-time students, the information required by this section may be provided or collected electronically.

(3) Vaccination information about meningococcal meningitis disease shall include detailed information on the risks of the disease and any recommendations issued by the National Centers for Disease Control and Prevention.

(4) The vaccination information obtained under this section that is in the possession of the educational institution is confidential and shall not be a public record.

(5) This section shall not be construed to require the educational institution or the Cabinet for Health and Family Services to provide or pay for the meningococcal meningitis disease vaccination.

Effective: June 20, 2005

### 164.287 Motor vehicle liability insurance -- Conditions.

Each board of regents or trustees of the public postsecondary educational institutions is authorized to provide for liability and indemnity insurance against the negligence of drivers or operators of motor vehicles or other mobile equipment owned or operated by the board. If the transportation of members of the student bodies is let out under contract, the contract shall require the contractor to carry indemnity or
liability insurance against negligence in such amount as the board designates. In either case the indemnity bond or insurance policy shall be issued by some surety or insurance company authorized to transact business in this state, and shall bind the company to pay any final judgment not to exceed the limits of the policy rendered against the insured for loss or damage to property of any student or other person, or death or injury of any student or other person.

**Effective:** May 30, 1997  

**164.2871 Liability insurance for governing board members, faculty, and staff -- Retirement annuity allowances exemption -- Taxability after December 31, 1997 -- Purchase of insurance not waiver of immunity --Self-insured employer group health plan.**

(1) The governing board of each state postsecondary educational institution is authorized to purchase liability insurance for the protection of the individual members of the governing board, faculty, and staff of such institutions from liability for acts and omissions committed in the course and scope of the individual's employment or service. Each institution may purchase the type and amount of liability coverage deemed to best serve the interest of such institution.

(2) All retirement annuity allowances accrued or accruing to any employee of a state postsecondary educational institution through a retirement program sponsored by the state postsecondary educational institution are hereby exempt from any state, county, or municipal tax, and shall not be subject to execution, attachment, garnishment, or any other process whatsoever, nor shall any assignment thereof be enforceable in any court. Except retirement benefits accrued or accruing to any employee of a state postsecondary educational institution through a retirement program sponsored by the state postsecondary educational institution on or after January 1, 1998, shall be subject to the tax imposed by KRS 141.020, to the extent provided in KRS 141.010 and 141.0215.

(3) Except as provided in KRS Chapter 44, the purchase of liability insurance for members of governing boards, faculty and staff of institutions of higher education in this state shall not be construed to be a waiver of sovereign immunity or any other immunity or privilege.

(4) The governing board of each state postsecondary education institution is authorized to provide a self-insured employer group health plan to its employees, which plan shall conform to the requirements of subtitle 32 of KRS Chapter 304 and shall be exempt from conformity with subtitle 17A of KRS Chapter 304.

**Effective:** May 30, 1997  
164.288  Power of state postsecondary education institutions to accept federal aid.
Any of the state postsecondary educational institutions or the state on behalf of any of the institutions may accept federal aid in the form of services, equipment, supplies, materials, or funds by way of gift, grant, or loan for the purpose of higher education, including student loans. Any of the institutions acting through its president or its governing board is hereby authorized to receive such services, equipment, supplies, materials, and funds as are available. The institutions are authorized to use funds appropriated to them in carrying out the matching provisions required by federal programs, loans, or grants.

Effective:  May 30, 1997

164.289  Faculty member's power to vote.
Notwithstanding any other provision of KRS Chapter 164, the faculty member of any governing board of any postsecondary educational institution supported in whole or in part by state funds, whether or not described as nonvoting, shall have the right to vote on all matters except that of faculty compensation.

Effective:  May 30, 1997

164.2891  Faculty voting member of board of trustees or regents.
Any university or postsecondary educational institution under the jurisdiction of the Council on Postsecondary Education may have a faculty member as a voting member of its board of trustees or regents.

Effective:  May 30, 1997

State Colleges and Universities

164.295  Programs of state and comprehensive universities -- Advanced practice doctoral programs that may be offered -- Review and approval process.
(1) The six (6) state universities:
   (a) Shall provide, upon approval of the Council on Postsecondary Education, associate and baccalaureate programs of instruction;
   (b) Shall provide, upon approval of the Council on Postsecondary Education, graduate programs of instruction at the master's-degree level in education, business, and the arts and sciences, specialist degrees, and programs beyond the master's-degree level to meet the requirements for teachers, school leaders, and other certified personnel; and
(c) Shall provide research and service programs directly related to the needs of their primary geographical areas.

(2) A comprehensive university may provide:

(a) Programs of a community college nature in their own community comparable to those listed for the Kentucky Community and Technical College System, as provided in KRS 164.580;

(b) Upon approval of the Council on Postsecondary Education, an advanced practice doctoral program in nursing in compliance with KRS 314.111 and 314.131; and

(c) Upon approval of the Council on Postsecondary Education, one (1) or more additional advanced practice doctoral programs in accordance with subsection (3) of this section.

(3) A maximum of eighteen (18) advanced practice doctoral programs may be offered by the six (6) comprehensive universities, with each of the comprehensive universities assured an opportunity to offer a minimum of two (2) advanced practice doctoral programs. The maximum of eighteen (18) advanced practice doctoral programs shall include programs approved under subsection (2)(b) of this section and Ed.D. programs approved under subsection (1)(b) of this section. Upon approval of the eighteenth advanced practice doctoral program, or the expiration of five (5) years from July 12, 2012, whichever occurs first, the Council on Postsecondary Education, in consultation with the Advisory Conference of Presidents, shall assess the review and approval process required by subsection (4) of this section. As part of this assessment, the council shall determine whether the process is meeting the requirements set forth in administrative regulations required by subsection (5) of this section. Upon completion of the assessment, the council may, with the unanimous consent of the Advisory Conference of Presidents, retain the current maximum or recommend a new maximum for consideration of the General Assembly during a regular session of the legislature.

(4) The Council on Postsecondary Education, in consultation with the Advisory Conference of Presidents pursuant to KRS 164.021, shall develop criteria and conditions upon which an advanced practice doctoral degree program may be approved. The criteria shall include but not be limited to a determination of the academic and workforce needs for a program, consideration of whether the program can be effectively delivered through a collaborative effort with an existing program at another public university within the Commonwealth, and the capacity of a university to effectively offer the program. A university requesting approval of an advanced practice doctoral program shall be required to provide assurance that funding for the program will not impair funding of any existing program at any other public university. The university shall make an annual report to the council identifying the full cost of and all funding sources for each approved doctoral program and the performance of each approved program. Nothing in this subsection shall prohibit the council from approving a doctoral program under consideration at a comprehensive university prior to the effective date of the administrative regulations required by subsection (5) of this section, provided that the council determines that the conditions and criteria set out in this subsection have been met.

(5) The council shall promulgate administrative regulations setting forth the agreed-on criteria and conditions identified under subsection (4) of this section.
(6) The council shall submit the approval process to the Interim Joint Committee on Education by October 15, 2011.

(7) The council shall, with the unanimous consent of the members of the Advisory Conference of Presidents pursuant to KRS 164.021, make a recommendation to the Interim Joint Committee on Education as to whether any portion of subsection (2) or (3) of this section should be amended.

(8) A comprehensive university shall not:

(a) Offer the terminal degrees of Doctor of Philosophy, Doctor of Musical Arts, or first professional degrees in the fields of architecture, medicine, dentistry, pharmacy, law, or engineering. The existing school of law at Northern Kentucky is exempted from the requirements of this paragraph; or

(b) Describe itself in official publications or in marketing materials as a research university or research institution. Nothing in this paragraph shall be construed as precluding a comprehensive university from conducting basic, applied, or translational research.

Effective: July 12, 2012


164.296 Vocational and nonvocational programs at state universities -- Joint programming -- Review of programs below associate level.

Vocational and nonvocational programs offered at the state universities shall be operated and administered by those universities consistent with the regulations developed by the board of trustees or regents and approved by the Council on Postsecondary Education for the issuance of associate, baccalaureate, or graduate degrees. Joint programming and articulation of vocational-technical education nondegree programs with associate degree programs shall be pursued between the Kentucky Community and Technical College System and other postsecondary institutions when feasible. No public institution of higher education shall offer any new program of a vocational-technical-occupational nature below the associate degree level without the review of the board of regents for the Kentucky Community and Technical College System and the approval of the Council on Postsecondary Education. The board of regents for the Kentucky Community and Technical College System, with approval of the Council on Postsecondary Education, may contract with public institutions of higher education for the operation of specific programs and projects.

Effective: May 30, 1997


Formerly codified as KRS 151B.115.
164.310 Boards of regents for state regional universities and Kentucky Community and Technical College System.

There shall be a board of regents for each of the state universities, to be known as the board of regents of the State University and a board of regents for the Kentucky Community and Technical College System.

Effective: May 30, 1997


164.321 Boards of Regents of Eastern Kentucky, Morehead State, Murray State, Western Kentucky, Kentucky State, Northern Kentucky Universities, and Kentucky Community and Technical College System -- Membership -- Terms.

(1) Eastern Kentucky University, Morehead State University, Murray State University, Western Kentucky University, Kentucky State University, Northern Kentucky University, and the Kentucky Community and Technical College System shall each be governed by a board of regents appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky.

(a) Each board of the comprehensive universities shall consist of eight (8) members appointed by the Governor, one (1) member of the teaching faculty, one (1) member of the university nonteaching personnel, and one (1) member of the student body of the respective university or college. The members of the board shall select a chairperson annually.

(b) The board of the Kentucky Community and Technical College System shall consist of eight (8) members appointed by the Governor, two (2) members of the teaching faculty, two (2) members of the nonteaching personnel, and two (2) members of the student body.

1. No more than three (3) appointed members of the board shall reside in any one (1) judicial district of the Kentucky Supreme Court as of the date of the appointment.

2. A change in residency of a gubernatorial appointee after the date of appointment shall not affect the appointee's ability to serve or eligibility for reappointment, except an appointee who assumes residency outside the fifty (50) United States shall become immediately ineligible to serve. The Council on Postsecondary Education shall notify the appointee of his or her ineligibility to serve.

3. In making initial appointments, the Governor shall act so as to provide equal representation of the two (2) sexes. In filling vacancies, the Governor shall act so as to provide, inasmuch as possible, equal representation of the two (2) sexes by appointing a member of the sex that is the lesser represented at the time of the appointment. If the remaining membership already has an equal number of males and females, the Governor may appoint a member of either sex.

(2) The terms of appointed members shall be for six (6) years and until their successors are appointed and qualified, except the initial appointments to the board of regents for the Kentucky Community and Technical College System shall be as follows:

(a) One (1) member shall serve a one (1) year term;
(b) One (1) member shall serve a two (2) year term;
(c) Two (2) members shall serve three (3) year terms;
(d) One (1) member shall serve a four (4) year term;
(e) One (1) member shall serve a five (5) year term; and
(f) Two (2) members shall serve six (6) year terms.

New appointees of a board of regents shall not serve for more than two (2) consecutive terms. Board
members serving as of May 30, 1997, may be reappointed at the end of their existing terms and may
serve two (2) additional full consecutive terms.

(3) The gubernatorial appointments may include one (1) graduate of the respective institution who resides
outside the Commonwealth. Not more than two (2) appointed members of any board shall be residents
of one (1) county. The appointments shall reflect the proportional representation of the two (2) leading
political parties of the Commonwealth based on the state's voter registration. Membership on the
board shall reflect no less than proportional representation of the minority racial composition of the
Commonwealth. Membership on the board shall not be incompatible with any state office. A change
in residency after the date of appointment shall not affect a member's ability to serve nor shall it
prevent a member's eligibility for reappointment, except a member who assumes residency outside the
fifty (50) United States shall become immediately ineligible to serve. The Council on Postsecondary
Education shall notify the appointee of his or her ineligibility to serve.

(4) Appointments to fill vacancies shall be made in the same manner and within the same time after the
occurrence of the vacancy as regular appointments. The person appointed shall hold the position for
the unexpired term only.

(5) Each member of the board shall serve for the term for which the member is appointed and until a
successor is appointed and qualified.

(6) (a) The faculty member of a comprehensive university shall be a teaching or research member of the
faculty of his or her respective university of the rank of assistant professor or above. The faculty
member shall be elected by secret ballot by all faculty members of his or her university of the rank of
instructor, assistant professor, or above. The faculty member shall serve for a term of three (3) years
and until his successor is elected and qualified. The faculty member shall be eligible for reelection, but
he or she shall not be eligible to continue to serve as a member of the board if he or she ceases being a
member of the teaching staff of the university. Elections to fill vacancies shall be for the unexpired
term in the same manner as provided for the original election.
(b) The faculty members of the Kentucky Community and Technical College System shall be
represented by one (1) faculty member elected from the community colleges and one (1) faculty
member elected from the technical institutions to serve three (3) year terms and until their successors
are named. The faculty representative of each branch shall be elected by means of a process
established by the board. The faculty members may be reelected but shall not serve more than two (2)
consecutive terms. A faculty member shall be ineligible to continue to serve as a member of the board
if he or she ceases to be a member of the faculty at one (1) of the institutions within the system.
Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the
original election. These two (2) members shall collectively have one (1) vote which may be cast one-half (1/2) vote by each member.

(7) (a) The nonteaching personnel member in a comprehensive university shall be any full-time staff member excluding the president, vice presidents, academic deans, and academic department chairpersons. He or she shall represent all nonteaching university employees including, but not limited to, building facilities and clerical personnel. The member shall be elected by secret ballot by the nonteaching employees. The nonteaching personnel member shall serve a term of three (3) years and until a successor is elected and qualified. The nonteaching personnel member shall be eligible for reelection, but he or she shall not be eligible to continue to serve as a member of the board if he or she ceases being an employee of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.

(b) The nonteaching personnel members in the Kentucky Community and Technical College System shall be any full-time staff member excluding a president, chancellor, vice president, academic dean, academic department chair, or other administrator. They shall represent all nonteaching employees in their respective branch institutions including, but not limited to, support and clerical personnel. One (1) member shall be a representative from the community colleges and one (1) member shall be a representative from the technical institutions. They shall serve three (3) year terms and until their successors are named. These two (2) members shall collectively have one (1) vote which may be cast one-half (1/2) vote by each member. The nonteaching personnel members of each branch shall be elected by means of a process established by the board. A nonteaching personnel member may be reelected but shall not serve more than two (2) consecutive terms. A nonteaching employee shall be ineligible to continue to serve as a member of the board if that employee ceases to be a nonteaching employee at one (1) of the institutions within the system. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.

(8) (a) The student member on a comprehensive university board shall be the president of the student body of the university during the appropriate academic year and may be an out-of-state resident if applicable. If the student member does not maintain his or her position as student body president or status as a full-time student at any time during that academic year, a special election shall be held to select a full-time student member. The student member shall serve for a term of one (1) year beginning with the first meeting of the fiscal year which contains that academic year.

(b) Two (2) full-time student members shall be elected to the board of regents for the Kentucky Community and Technical College System. One (1) shall represent students of the community colleges and one (1) shall represent the technical institutions. The student members shall be elected by means of a process established by the board. The student members shall serve one (1) year terms beginning with the first meeting of the fiscal year that contains the academic year. If the student member does not maintain his or her status as a full-time student, a special election shall be held to fill the vacancy. The two (2) members shall collectively have one (1) vote which may be cast one-half (1/2) vote by each member.
(9) All persons appointed after May 30, 1997, shall be required to attend and complete an orientation program prescribed by the council under KRS 164.020, as a condition of their service.

(10) Board members may be removed by the Governor for cause, which shall include neglect of duty or malfeasance in office, after being afforded a hearing with counsel before the Council on Postsecondary Education and a finding of fact by the council.

Effective: July 15, 2010


164.330 Organization and officers of boards of regents -- Expenses.

Each board of regents shall hold its first meeting within thirty (30) days after each appointment of new members. At this meeting there shall be elected a vice chairperson and a secretary for the board. Each board shall appoint a treasurer, and such officers as it deems necessary, but no member of any of the boards shall be appointed treasurer. No member of any board shall draw any salary for his services, but shall be reimbursed for necessary expenditures made in going to and from each meeting of the board and for other legitimate expenses, except a member who resides outside the Commonwealth shall not be reimbursed for out-of-state travel. The expenses shall be paid out of the funds of the appropriate institution.

Effective: May 30, 1997


164.335 Members of General Assembly not to serve on governing boards of state postsecondary education institutions.

In addition to the qualifications provided in KRS 164.131 for members of the board of trustees of the University of Kentucky, in KRS 164.821 for members of the board of trustees of the University of Louisville, and in KRS 164.321 for members of the board of regents of other Kentucky universities and of the Kentucky Community and Technical College System, no person who is a member of either house of the Kentucky General Assembly shall serve as a member of the board of trustees or board of regents of any public institution.

Effective: May 30, 1997


164.340 Meetings of boards -- Quorum.

The governing board shall meet quarterly at the institution or at such other place as is agreed upon. Upon written request of the president of the institution or of two (2) members of the board, the chairman of the
board shall call a special meeting at a place designated by him, and the board may at such special meeting transact any or all business that it may transact at a regular meeting. A majority of the members of the board shall constitute a quorum for the transaction of business, but no appropriation of money shall be made nor any contract that requires a disbursement of money shall be authorized, and no teacher employed or dismissed, unless a majority of all the members of the board vote for it.

Effective: May 30, 1997


164.350 General powers and duties of boards of regents.

(1) The government of each of the state universities and the Kentucky Community and Technical College System is vested in its respective board of regents. Each board of regents, when its members have been appointed and qualified, shall constitute a body corporate, with the usual corporate powers, and with all immunities, rights, privileges, and franchises usually attaching to the governing bodies of educational institutions. Each board may:

(a) Receive grants of money and expend the same for the use and benefit of the university or college;

(b) Adopt bylaws, rules, and regulations for the government of its members, officers, agents, and employees, and enforce obedience to such rules;

(c) Require such reports from the president, officers, faculty, and employees as it deems necessary and proper from time to time;

(d) Determine the number of divisions, departments, bureaus, offices, and agencies needed for the successful conduct of the affairs of the university or college; and

(e) Grant diplomas and confer degrees upon the recommendation of the president and faculty.

(2) Each board of regents shall periodically evaluate the institution's progress in implementing its missions, goals, and objectives to conform to the strategic agenda. Officers and officials shall be held accountable for the status of the institution's progress.

(3) In addition to the duties required in subsections (1) and (2) of this section, the board of regents for the Kentucky Community and Technical College System, upon recommendation of the president of the system, shall:

(a) Develop and implement guidelines for the preparation of biennial budget requests by the administrators of the colleges within the system. The guidelines shall define the processes for review and approval by the boards of directors for the colleges;

(b) Adopt a biennial budget request for the Kentucky Community and Technical College System upon the recommendation of the president of the system;

(c) Adopt an allocation process for distributing funds to the colleges within the system;

(d) Consider recommendations from the boards of directors of the colleges to improve the overall
budget planning and allocation processes;

(e) Designate each college with a name;

(f) Encourage and accept donations of land and funds to be used in the acquisition, construction, or operations of colleges in the system. The board may commemorate donations from private persons or corporations with suitable memorials; and

(g) Accept federal grants when deemed appropriate to be used in the acquisition, construction, or operations of colleges in the system.

The board of regents shall assure that the budget planning and implementation processes are consistent with the adopted strategic agenda and biennial budget and with the missions of the institutions within the system.

Effective: June 24, 2003


164.351 Information on preventing transmission of HIV infection to be made available to freshmen and transfer students.

(1) State colleges and universities and the Kentucky Community and Technical College System shall provide information on how to prevent the transmission of the human immunodeficiency virus consistent with the Centers for Disease Control guidelines, to all freshmen and transfer students.

(2) Each state technical institution, community college, or university shall inform students of the name and telephone number of a technical institution, community college, college, or university counselor trained to counsel persons about the human immunodeficiency virus.

Effective: May 30, 1997


164.352 Military recruiters' access to university campuses and student directory information.

If a board of trustees or regents of a public institution of postsecondary education provides access to its campus or its student directory information to persons or groups which make students aware of occupational or educational options, the boards shall provide access on the same basis to official recruiting representatives of the military forces of the state and the United States for the purpose of informing students of educational and career opportunities available in the military.

Effective: May 30, 1997

164.360  Appointment and removal of president, faculty, and employees.

(1) (a) Each board of regents for the universities may appoint a president, and on the recommendation of the president may, in its discretion, appoint all faculty members and employees and fix their compensation and tenure of service, subject to the provisions of subsection (2) of this section.

(b) The board of regents for the Kentucky Community and Technical College System shall appoint a president, and on the recommendation of the president may, in its discretion, appoint all faculty members and employees and fix their compensation and tenure of service, subject to the provisions of subsection (2) of this section.

(2) No person shall be employed for a longer period than four (4) years. No person shall be employed at an institution where his relative serves on the board of regents for that institution.

(3) Each board may remove the president of the university or Kentucky Community and Technical College System, and upon the recommendation of the president may remove any faculty member or employees, but no president or faculty member shall be removed except for incompetency, neglect of or refusal to perform his duty, or for immoral conduct. A president or faculty member shall not be removed until after ten (10) days' notice in writing, stating the nature of the charges preferred, and after an opportunity has been given him to make defense before the board by counsel or otherwise and to introduce testimony which shall be heard and determined by the board. Charges against a president shall be preferred by the chairperson of the board upon written information furnished to him, and charges against a faculty member shall be preferred in writing by the president unless the offense is committed in his presence.

Effective: July 1, 2006


164.365  Governing boards to have exclusive control of employment, tenure, and official relations of employees -- Payroll deduction of employee membership organization dues for KCTCS employees.

(1) Anything in any statute of the Commonwealth to the contrary notwithstanding, the power over and control of appointments, qualifications, salaries, and compensation payable out of the State Treasury or otherwise, promotions, and official relations of all employees of Eastern Kentucky University, Western Kentucky University, Murray State University, Northern Kentucky University, and Morehead State University, as provided in KRS 164.350 and 164.360, and of Kentucky State University and the Kentucky Community and Technical College System, shall be under the exclusive jurisdiction of the respective governing boards of each of the institutions named.

(2) The board of regents for the Kentucky Community and Technical College System shall develop personnel rules for the governing of its members, officers, agents, and employees by June 30, 1998.
The board shall adopt interim policies to govern employees hired from July 1, 1997, until the permanent rules are adopted.

(3) Upon receipt of a written authorization from an employee of the Kentucky Community and Technical College System, the board shall deduct dues from the employee's paycheck for employee membership organizations. Dues shall be deducted at a rate established by the organization, and shall be discontinued upon written notification by an employee to both the system and the employee organization. On a quarterly basis, the Kentucky Community and Technical College System shall provide to each employee membership organization an updated list that includes the names and home addresses of the employees who are having dues deducted from their paychecks for the purpose of maintaining membership in that organization.

**Effective:** May 30, 1997


### 164.367 Governing board may permit its employees to have an interest in a contract between the institution and a business -- Regulations to be forwarded to the Legislative Research Commission.

(1) For the purposes of this section, "business" has the same meaning as defined in KRS 11A.010.

(2) The governing board of each public postsecondary education institution may adopt regulations establishing the conditions under which and the procedures whereby the board may approve a specific instance of an employee having an interest in a contract between the institution and a business.

(3) Each governing board shall forward, as soon as is practicable, a copy of the regulations it adopts under provisions of this section to the Legislative Research Commission. A board shall also forward any subsequent changes to the regulations to the Commission.

**Effective:** June 26, 2007


### 164.370 Suspension or expulsion of students.

Each board of regents may invest the faculty or a representative committee of designated faculty, staff, and students with the power to suspend or expel any student for disobedience to its rules, or for any other contumacy, insubordination or immoral conduct. In every case of suspension or expulsion of a student the person suspended or expelled may appeal to the board of regents. The board of regents shall prescribe the manner and the mode of procedure on appeal. The decision of the board of regents shall be final.

**Effective:** July 15, 2010


### 164.390 Interest in contracts prohibited.

Unless specifically approved by the governing board of an institution under the provisions of KRS 164.367, no president, professor, teacher, member of the executive council, or other officer or employee
shall be interested in any contract or purchase for the building or repairing of any structure or furnishing of any supplies for the use of a university or college.

Effective: June 26, 2007

164.400 Incidental expenses -- Fees.
The respective boards of regents of the state universities and colleges and the Kentucky Community and Technical College System shall establish such incidental fees and nonresident tuition fees as will be sufficient for the purpose of paying the incidental expenses of the university or college and as are consistent with the recommendations of the Council on Postsecondary Education. No money derived from nonresident tuition or other fees paid by students shall be used for any other purpose, except such amount as is over and above that needed to defray the incidental expenses.

Effective: May 30, 1997

164.410 Acquisition and sale of property -- Disposition of surplus property.
(1) The governing board of a postsecondary education institution may purchase or lease land under KRS 164A.575 for the purpose of securing the erection of buildings and may receive by any legal mode of conveyance, purchase, and hold property under KRS 164A.575 of any description that the board deems necessary for the purposes of the school, and may build and construct improvements for such purposes and hold or sell the same. If a governing board is unable to agree with the owner of the real estate as to its value, or to its purchase, it may proceed in its own name to condemn the real estate in the manner provided in the Eminent Domain Act of Kentucky. Real estate acquired by purchase or condemnation shall be paid for out of money appropriated to the institution.

(2) The governing board of each institution shall periodically review the assets of the institution and shall sell and convey under KRS 164A.575 those assets not necessary for implementing the institutional mission. Proceeds from the disposition shall be deposited in the unexpended plant fund account or in the fund for excellence authorized by KRS 164A.620.

(3) Any real property acquired under this section shall be in name of the Commonwealth for the use and benefit of the institution.

Effective: May 30, 1997
164.460  Reports of presidents.
The president of each postsecondary education institution shall make to his governing board written reports which shall contain a full account of receipts of money from all sources, amount, and purpose of disbursements thereof, and the condition of the university or college. The reports shall be made according to a schedule established by the board.

Effective: May 30, 1997

164.465  Duty of presidents of postsecondary education institutions to distribute information to university's governing board members.
(1) The presidents of state postsecondary education institutions identified in KRS 161.220(4)(b) or 164.001(13) or (17) shall distribute the written information provided by the Office of the Attorney General and the Department for Libraries and Archives under KRS 15.257 and 171.223 to each board of regents or governing board member of their university. Distribution shall be accomplished within sixty (60) days of receiving the written information from the Office of the Attorney General and the Department for Libraries and Archives. Distribution to newly appointed members shall be accomplished within sixty (60) days of their appointment. The distribution may be by electronic means.

(2) The presidents of state public postsecondary education institutions, as identified in subsection (1) of this section, shall require signatory proof that each board of regents or governing board member has received the written information as required under subsection (1) of this section, shall maintain documentation of receipt on file, and shall certify to the Office of the Attorney General that the written information has been distributed as required.

Effective: July 15, 2008

Regional Compact

164.540  Council on Postsecondary Education designated agency of state for purposes of regional compact -- Commonwealth not to maintain educational institutions that are discriminatory.
(1) The Council on Postsecondary Education in Kentucky as defined in KRS 164.011 is hereby designated as the agency of the Commonwealth of Kentucky charged with the responsibility and vested with all necessary authority, subject to the conditions and restrictions set out in subsection (2) of this section, to carry out the obligations, participate in the planning and negotiations, and administer the rights, benefits, and privileges, devolving upon the Commonwealth of Kentucky and
its citizens pursuant to the regional compact referred to in KRS 164.530, and to do all such other acts and things as may be necessary or desirable to implement the provisions of said regional compact efficiently and impartially for the benefit of all citizens of the Commonwealth.

(2) In its participation in the regional compact, or in any other regional plan having a similar purpose, the Commonwealth of Kentucky shall not erect, acquire, develop, or maintain in any manner any educational institution within its borders to which any student would be refused entrance on the basis of race, national origin, gender, creed, or religion.

Effective: May 30, 1997


Kentucky Community and Technical College System

164.580 Kentucky Community and Technical College System -- Curricula -- Goals -- Degree programs.

(1) The Kentucky Community and Technical College System is established. The Kentucky Community and Technical College System shall provide:

(a) A general two (2) year academic curriculum with credits transferable to two (2) year and four (4) year colleges and universities;

(b) Technical and semiprofessional programs of two (2) years or less;

(c) Within a two (2) year college curriculum, courses in general education, including adult education, not necessarily intended for transfer nor technically oriented; and

(d) Services to Kentucky's employers and the general public to provide continuing education and customized training for purposes of improving the knowledge and skills of Kentucky workers and citizens in all regions of the state.

(2) The Kentucky Community and Technical College System shall be responsive to the needs of students and employers in all regions of the Commonwealth with accessible education and training to support the lifelong learning needs of Kentucky citizens in order to:

(a) Increase the basic academic and literacy skills of adults through adult basic education and remedial education services;

(b) Increase the technical skills and professional expertise of Kentucky workers through associate and technical degrees, diploma, and certificate programs;

(c) Increase the access for students to complete the prebaccalaureate associate degree in arts or associate degree in science for ease of transfer to four (4) year institutions;

(d) Enhance the relationship of credentials between secondary and postsecondary programs which permit secondary students to enter programs through early admission, advanced placement, or dual enrollment;
(e) Facilitate transfers of credit between certificate, diploma, technical, and associate degree programs;

(f) Develop a pool of educated citizens to support the expansion of existing business and industry and the recruitment of new business and industry;

(g) Enhance the flexibility and adaptability of Kentucky workers in an everchanging and global economy through continuing education and customized training for business and industry;

(h) Promote the cultural and economic well-being of the communities throughout Kentucky; and

(i) Improve the quality of life for Kentucky's citizens.

(3) Students attending a college under the administration of the board of regents for the Kentucky Community and Technical College System may pursue three (3) kinds of degree programs:

(a) Associate degree programs approved by the board of trustees as of the effective date of the transfer of the management responsibilities of the University of Kentucky Community College System to the Kentucky Community and Technical College System;

(b) Associate degree programs developed by the Kentucky Community and Technical College System, approved by the board of regents and the Council on Postsecondary Education. The board of regents shall confer degrees and award diplomas for the approved programs; and

(c) Joint degree programs developed between the Kentucky Community and Technical College System and other institutions.

(4) University of Kentucky Community College System students who were officially enrolled on or before June 30, 1999, in associate degree programs approved by the board of trustees of the University of Kentucky and who complete the associate degree programs on or before June 30, 2004, shall have their degrees conferred by the University of Kentucky board of trustees. The degrees for all other students enrolled shall be awarded by the board of regents for the Kentucky Community and Technical College System.

(5) The board of regents for the Kentucky Community and Technical College System shall expedite, whenever possible, action on requests for any new technical or associate degree program of a vocational-technical or occupational nature.

(6) The Kentucky Community and Technical College System college faculty senates shall have the primary responsibility for determining academic policy and curricula development that shall be recommended to the president of the Kentucky Community and Technical College System.

(7) Technical colleges, through their faculty and accrediting procedures, may develop degree programs that shall be considered for approval by the board of regents and the Council on Postsecondary Education. A graduate of a program within three (3) years of the program becoming an accredited degree program shall receive all or partial credit toward the degree, based on criteria established by the institution and approved by the board of regents. The board of regents shall confer degrees and award diplomas for these programs.

**Effective: June 20, 2005**

164.5805 Transfer of assets, liabilities, and staff positions of Kentucky Tech System
-- Employee benefits and salaries of transferred employees
-- Rules governing transferred employees.

(1) Effective July 1, 1998, the Kentucky Community and Technical College System shall be the legal successor to the postsecondary Kentucky Tech institutions and corresponding administrative units in the former Cabinet for Workforce Development and shall assume all assets and liabilities of this system, including without limitation all obligations, responsibilities, programs, staff, instructional supplies, equipment, real property, facilities, funds, and records. The Finance and Administration Cabinet shall execute the instruments necessary to transfer the real property relating to the operation of the postsecondary institutions in the Kentucky Tech System from the former Cabinet for Workforce Development to the Kentucky Community and Technical College System.

(a) The staff positions in the former Department for Technical Education and the former Cabinet for Workforce Development whose responsibilities include support for the postsecondary institutions in the Kentucky Tech System and the school-based positions shall be transferred to the Kentucky Community and Technical College System. Selected employees of the Kentucky Tech regional offices shall be transferred and reassigned within the Kentucky Community and Technical College System. Appropriate central office functions from the Department for Technical Education shall be assigned within the system to carry out the administrative and support functions with the approval of the board of regents for the Kentucky Community and Technical College System.

(b) All funds related to the costs of operating the Kentucky Tech postsecondary institutions, including the administrative costs, shall be transferred to the board of regents for the Kentucky Community and Technical College System for carrying out the mission of the postsecondary technical institutions and colleges.

(c) Funds raised by a not-for-profit or nonprofit organization for a specific program or technical institution shall be for the exclusive use of the program or that technical institution.

(d) The following provisions shall apply to the employees who are transferred from the former Cabinet for Workforce Development to the Kentucky Community and Technical College System, effective July 1, 1998:

1. Accumulated sick leave, compensatory time, and annual leave as of June 30, 1998, shall be transferred with each employee;

2. Employees who have earned continuing status as defined in KRS 151B.010 and employees who have earned classified status as merit system employees under KRS Chapter 18A shall be provided the same standing. Those employees who are transferred and are in the process of earning continuing status or classified status shall earn their standing based on the rules that
were governing them on June 30, 1998, in their respective systems. New employees within the system shall earn status based on the new policies established by the board;

3. Employees shall transfer into the new system at a salary not less than their previous salary as of June 30, 1998;

4. Employees shall be provided retirement plans in the same system where they are currently enrolled: the Kentucky Teachers' Retirement System under KRS 161.220 or the Kentucky Employees Retirement System under KRS 61.525;

5. Employees shall be provided a health benefits package that is available or equivalent to that provided to other state or university employees; and

6. Employees shall be provided life insurance coverage and optional insurance or investment programs.

(e) The board shall adopt rules that are the same as the administrative regulations under KRS Chapter 151B in effect on June 30, 1998, to govern the certified and equivalent employees who transfer from the former Cabinet for Workforce Development, except that the rules shall provide that all grievances and appeals shall be to the board of regents or to the board's designee. The board shall adopt rules that are the same as the administrative regulations under KRS Chapter 18A in effect on June 30, 1998, to govern the transferred classified employees, except that the rules shall provide that all grievances and appeals shall be to the board of regents or to the board's designee. A transferred employee shall have the option to elect to participate in the new Kentucky Community and Technical College personnel system in lieu of the rules under which the employee transferred. An employee who elects to accept this option may not return to the previous personnel policy. An employee shall have the right to exercise this option at any time.

(2) New employees hired after July 1, 1997, in the Kentucky Community and Technical College System shall be governed by the rules and regulations established by the board.

**Effective:** July 12, 2006


### 164.5807 Governance and management of community colleges -- Transfer of funds - Rules governing employees -- Personnel system -- Courses for employees -- Rights and privileges of students -- Conflicts.

(1) Effective upon the affirmative completion of the regional accrediting agency's substantive change process but not later than July 1, 1998, the board of trustees of the University of Kentucky shall delegate to the board of regents of the Kentucky Community and Technical College System the management responsibilities for the University of Kentucky Community College System, except for the Lexington Community College. Responsibilities shall include, but not be limited to, management of facilities and grounds, assets, liabilities, revenues, personnel, programs, financial and accounting services, and support services. In this capacity, the board shall receive and disburse funds and handle other financial matters.
The board of regents, in exercising its personnel management responsibilities, shall establish the operating policies and procedures for the University of Kentucky employees in the community colleges. The board of regents shall have the right to appoint and dismiss personnel and to set the compensation for the employees. The president and board of regents of the Kentucky Community and Technical College System shall have jurisdiction over the use and distribution of the resources to operate the system effectively and efficiently.

(2) All funds that are appropriated to the University of Kentucky Community College System or funds that are allocated in the University of Kentucky budget for administering the community college system shall be transferred and allotted to the board of regents for the benefit of the University of Kentucky Community College System.

(a) The board may divide the assets and funds among the specific organizations and institutions within the community college system to meet the mission of the system.

(b) Funds held in escrow or invested solely for the purpose of a community college and bequests, and private funds specifically earmarked for a community college may, at the discretion of that local community college, be managed by the University of Kentucky or that local community college.

(c) Private funds, foundation funds, and funds raised by a not-for-profit or nonprofit organization for the use and benefit of a specific program or community college shall be used exclusively for that program or that community college.

(3) Employees in the University of Kentucky Community College System as of the effective date of the transfer of the management responsibilities of the University of Kentucky Community College System to the Kentucky Community and Technical College System shall be governed by the University of Kentucky administrative regulations as of the effective date of the transfer and any subsequent changes made by the university, except that appeals shall be to the board of regents or to the board's designee. The following provisions shall apply:

(a) Accumulated sick leave, compensatory time, and annual leave as of the effective date of the transfer shall be retained by each employee;

(b) Employees with tenure shall retain their tenure. Employees without tenure shall earn tenure based on personnel policies in effect at the time of their employment. New employees without tenure shall earn tenure based on the new policies established by the board;

(c) Employees shall maintain a salary not less than their previous salary as of the effective date of the transfer; and

(d) All employees hired as of the effective date of the transfer shall be provided the same benefit package available for other University of Kentucky employees as it may be modified by the University of Kentucky for all employees.

(4) A person employed as of the effective date of the transfer described in subsections (1) and (3) of this section in a University of Kentucky Community College may elect to participate in the new Kentucky Community and Technical College personnel system. An employee who elects to accept this option may
not return to the previous personnel policy. The employee shall have the right to exercise this option at any time.

(5) New employees hired after July 1, 1997, in the Kentucky Community and Technical College System and on and after July 1, 2004, at the Lexington Community College shall be governed by the rules established by the board.

(6) A regular full-time employee may, with prior administrative approval, take one (1) course per semester or combination of summer sessions on the University of Kentucky's campus or at a community college during the employee's normal working hours. The University of Kentucky shall defray the registration fee up to a maximum of six (6) credit hours per semester or combination of summer sessions.

(7) Students enrolled in the University of Kentucky Community College System shall have all of the responsibilities, privileges, and rights accorded to University of Kentucky Community College System students as of the effective date of the transfer described in subsections (1) and (3) of this section. The privileges shall include, but not be limited to, tickets to athletic events, homecoming queen contests, the Great Teacher Award Contest, and the University of Kentucky scholarship programs.

(8) If any conflict arises between the University of Kentucky board of trustees and the Kentucky Community and Technical College board of regents relating to the delegation of authority from the university to the board of regents in the transfer of the Lexington Community College to the Kentucky Community and Technical College System, the Council on Postsecondary Education shall resolve the conflict.

(9) Notwithstanding any statute to the contrary, the governance and management responsibilities for the Lexington Community College are delegated to the Kentucky Community and Technical College System. The agreement entitled "Memorandum of Agreement Among the University of Kentucky, the Kentucky Community and Technical College System and Lexington Community College Pursuant to House Joint Resolution 214" signed by the respective institutions on July 1, 2004, shall remain in force and effect after June 20, 2005.

**Effective:** June 20, 2005


**164.583 Lower division academic courses -- Transfer of credits.**

(1) Each community college of the Kentucky Community and Technical College System may offer, within the two (2) year academic curriculum of the college, any and all lower division academic courses offered for undergraduate credit at any and all of the four (4) year public colleges and universities.
(2) All lower division academic courses offered by the community colleges shall be transferable for academic credit to any and all four (4) year public colleges and universities, regardless of the number of academic credits earned by any student at one (1) or more community college.

(3) Nothing in this section shall be construed or interpreted to change, reduce, or otherwise affect the required distribution between lower division and upper division courses now required for matriculation in an undergraduate program at any institution of higher education.

**Effective:** May 30, 1997  

164.5833 Transferability of course work accepted prior to establishment of system.
The universities and the Kentucky Community and Technical College System shall recognize and accept for transfer credit all courses that were accepted for transfer prior to the establishment of the Kentucky Community and Technical College System, unless a substantial change in the content for teaching the course can be demonstrated to have occurred. Disputes on these matters shall be settled by the Council on Postsecondary Education.

**Effective:** May 30, 1997  

164.586 Personnel dispute resolution system.
The board of regents for the Kentucky Community and Technical College System shall establish a personnel dispute resolution system that results, in the final stage, in an independent third party appeal for all employees of the Kentucky Community and Technical College System.

**Effective:** May 30, 1997  

164.587 Medical and accident insurance program for students.
(1) The board of regents may provide medical and accident insurance for students enrolled in the Kentucky Community and Technical College System institutions. The president, on behalf of the system, may enter into a contract or contracts with one (1) or more sureties or insurance companies or their agents to provide appropriate medical and accident insurance coverage and to provide group coverage to all students enrolled in institutions within the system. The appropriate group coverage shall be issued by one (1) or more sureties or insurance companies authorized to transact business in this state, and the coverage shall be approved by the commissioner of insurance.

(2) The board shall approve policies upon recommendation of the president to implement the medical and accident insurance program. The board may fix the rate of fees for all postsecondary and adult students as it deems necessary to meet the expense in whole or in part for appropriate student medical and accident insurance.
164.588 Services and property furnished by University of Kentucky and other providers.

The Kentucky Community and Technical College System shall reimburse the University of Kentucky at a reasonable cost for any services provided to the system. The services shall include, but not be limited to, library services, processing scholarships and student loans, and all other financial aid services. The board may also contract for services from other providers. The Kentucky Community and Technical College System shall not be assessed by the University of Kentucky for rental charges or other similar fees for the use of real or personal property. The Council on Postsecondary Education shall resolve any disputes about services to be provided and costs to be charged for the services.

Effective: May 30, 1997


164.591 Location of Kentucky Community and Technical College System headquarters and community colleges and extension centers -- Approval of General Assembly as requirement for new community colleges.

A community college or extension of a community college shall be maintained in each of the following locations: Ashland, Carrollton, Cumberland, Elizabethtown, Glasgow, Henderson, Hopkinsville, Fayette County, Madisonville, Owensboro, Paducah, Prestonsburg, Somerset, Blackey-Hazard, Jefferson County and Mason County. The headquarters of the administration of the Kentucky Community and Technical College System shall be maintained in Woodford County. Western Kentucky University may continue to operate a community college in Bowling Green. Additional extension centers may be established by the board of regents for the Kentucky Community and Technical College System with approval of the Council on Postsecondary Education. New community colleges shall require approval of the General Assembly.

Effective: June 20, 2005


164.593 Paducah College may be included in system pursuant to agreement.

(1) The board of regents for the Kentucky Community and Technical College System shall recognize previous actions under prior law.

(2) Paducah Junior College may be included in the system provided for by KRS 164.580 upon the concurrence of the board of trustees of the University of Kentucky and the board of trustees of Paducah Junior College. Following the concurrence of the two (2) boards, an agreement shall be
executed between the board and the board of trustees providing for the conversion of the existing facilities of Paducah Junior College and containing other provisions the parties deem appropriate and desirable, provided that any agreement executed under this subsection shall be subject to the management of the Kentucky Community and Technical College System under the provisions of KRS 164.5807.

(3) The agreement required by subsection (2) may provide for the transfer to the board of any funds accruing to Paducah Junior College as the result of any contract or agreement with any agency or instrumentality of the United States or the Commonwealth of Kentucky including any funds accruing pursuant to KRS 164.027.

(4) Upon the execution of the agreement required by subsection (2), any taxes levied under KRS 165.170 or 165.175 and paid to the trustees shall continue to be received by the board of trustees of Paducah Junior College. However, the trustees may in the agreement provide for the expenditure of the taxes levied for such purposes as the trustees and the board may mutually agree.

Effective: May 30, 1997


164.594 Service area of Prestonsburg Community College to include Pike County.

(1) The community college in the Big Sandy Valley is designated as Prestonsburg Community College. The service area of Prestonsburg Community College shall include Pike County in its entirety.

(2) Course offerings in Pike County shall be expanded as necessary, to respond more fully to the higher and adult educational needs of the citizens of the area.

(3) The Kentucky Community and Technical College System may use private or state funds to purchase, renovate, and otherwise make available physical facilities in the Pike County area conducive to educational purposes.

Effective: May 30, 1997


164.600 Boards of directors for community colleges and community and technical colleges.

(1) As used in this section, unless the context requires otherwise:

(a) "Chief executive officer" means a president or the head administrator of a college within the Kentucky Community and Technical College System;

(b) "College" means a community college, a technical college, or a community and technical college within the system;

(c) "President" means the chief executive officer of the system;

(d) "Relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law; and
(e) "System" means the Kentucky Community and Technical College System.

(2) There shall be a board of directors for each community college or community and technical college under the Kentucky Community and Technical College System, except as provided in KRS 165.160. The board of regents may designate that a local board of directors serve more than one college. Each board of directors shall:

(a) Recommend one (1) candidate for college chief executive officer from three (3) candidates provided by the president. The president shall have the authority to make the final appointment and shall not be bound by the recommendation from the board of directors;

(b) Evaluate the college chief executive officer and advise the president of his or her performance. The president has final authority for the appointment and termination of the college chief executive officer;

(c) Approve budget requests for recommendation to the Kentucky Community and Technical College System;

(d) Adopt and amend an annual operating budget and submit it to the board of regents for approval as to the compliance with its guidelines;

(e) Approve a strategic plan that is developed in coordination with local employers, civic leaders, campus constituents, and other postsecondary institutions in the region and that is consistent with the strategic agenda of the General Assembly.

(3) The chief executive officer of each college shall have full authority and discretion regarding the use and management of the budget approved by the board of regents for the Kentucky Community and Technical College System under KRS 164.350.

(4) Each board of directors shall consist of ten (10) members, seven (7) of whom shall be appointed by the Governor from nominees of the respective college nominating commission established under KRS 164.602 for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The other three (3) board members shall be one (1) member of the teaching faculty, one (1) member of the staff, and one (1) member of the student body. An appointed member's term shall be six (6) years.

(5) The faculty member shall be on the teaching or research faculty of the college. The faculty member shall be elected by secret ballot of all full-time faculty members of the college. Faculty members shall serve for terms of three (3) years and until their successors are elected and qualified. Faculty members shall be eligible for reelection, but they shall be ineligible to continue to serve as members of the boards if they cease to be members of the teaching staff of the college. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original election.

(6) The staff member shall be a classified or midmanagement employee who does not hold faculty rank and who does not hold an upper administrative position. The staff member shall be elected by secret ballot of all full-time staff members of the college. Staff members shall serve for terms of three (3) years and until their successors are elected and qualified. Staff members shall be eligible for reelection, but shall be ineligible to continue to serve as members of the boards if they cease to be
members of the staff of the college. An election to fill a vacancy for an unexpired term shall be held in the same manner as an election to an original full term.

(7) The student member shall be elected by secret ballot from the student body of the college to serve a term of one (1) year. The student member shall be a full-time student who maintains permanent residency in the Commonwealth of Kentucky.

(8) If a board of directors is designated by the board of regents to serve more than one college as permitted under subsection (2) of this section, the board of regents shall define procedures for the selection of the faculty, staff, and student representatives to the board of directors to ensure that there is opportunity for all colleges to be represented.

(9) The members of the board of directors shall receive no compensation for their services but shall be paid for their actual and necessary expenses.

(10) No citizen member of the board of directors shall have a conflict of interest in accordance with KRS 45A.340 or be a relative of any employee of the college under its jurisdiction. A person who is a member of the board on July 15, 1998, who is a relative of an employee of the college may finish out the appointed term of office but the member may not be reappointed.

**Effective:** June 24, 2003


### Kentucky Innovation Act

**164.602 Nominating commission for appointments to board of directors**

(1) There shall be a nominating commission for each college board of directors required under KRS 164.600 to provide names of nominees to the Governor for appointment to the board of directors.

(2) (a) Each nominating commission shall be composed of five (5) members appointed by the Governor who shall reside in the service area of the college at the time of their appointment. Commission members shall have no conflict of interest in accordance with KRS 45A.340 or have a relative employed by a public postsecondary institution, the Council on Postsecondary Education, the Kentucky Higher Education Assistance Authority, the Kentucky Higher Education Student Loan Corporation, or the Kentucky Authority for Educational Television.

(b) Members of the nominating commission shall serve four (4) year terms, or until a successor shall be appointed, except the initial appointments shall be as follows:

1. One (1) member shall serve a one (1) year term;
2. Two (2) members shall serve a two (2) year term;
3. One (1) member shall serve a three (3) year term; and
4. One (1) member shall serve a four (4) year term.

(3) The Governor shall appoint commission members who reflect, inasmuch as possible, equal representation of the two (2) sexes and in the context of the total membership of all of the commissions, shall approximate the proportional representation of the two (2) leading political parties and the minority racial composition of the state.

(4) (a) The nominating commission shall submit to the Governor the names of three (3) nominees for each position on the board of directors who meet the eligibility criteria for membership under KRS 164.600.

(b) In the selection of the nominees, the nominating commission shall consider the needs of the respective college, locate potential appointees, review candidates' qualifications and references, conduct interviews, and carry out other search and screening activities as necessary. The commission shall consider the goals for diversity of membership as set out in subsection (3) of this section.

(c) Each appointment to the board of directors shall be made thirty (30) days prior to the expiration of a term or as soon as practicable following an unforeseen vacancy. The Governor may reject all names of nominees and request the submission of three (3) additional names for consideration.

(5) The members of the commissions shall be reimbursed for actual and necessary expenditures incurred in the performance of their duties.

(6) The nominating commissions shall be attached to the Kentucky Community and Technical College System and the Governor's office staff shall provide staffing and administrative assistance.

**Effective:** June 24, 2003


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### Higher Education Assistance

**164.740 Definitions for KRS 164.740 to 164.7891.**

As used in KRS 164.740 to 164.7891, the terms listed below shall have the following meanings:

1. "Authority" means the Kentucky Higher Education Assistance Authority.
2. "Board" means the board of directors of the Kentucky Higher Education Assistance Authority.
3. “Comprehensive transition and postsecondary program” means a program approved by the United States Department of Education as defined in 34 C.F.R. secs. 668.230 to 668.233.
4. "Eligible institution" means, unless otherwise specified in this chapter, any educational institution or class of institutions designated as an institution of higher education pursuant to section 102 of the federal act, 20 U.S.C. sec. 1002, as eligible to participate in, and that actively participates in, the
Federal Pell Grant Program or, for purposes of insured student loans, is defined as an eligible institution pursuant to sec. 435 of the federal act, 20 U.S.C. sec. 1085, provided that no right of participation shall be deemed vested pursuant to this subsection in any institution, including, but not by way of limitation, any college, school of nursing, vocational school, or business school.

(4) "Eligible lender" means any entity described as eligible pursuant to the federal act to make or originate insured student loans, provided that no right of participation shall be deemed vested hereby in any lender.

(5) "Eligible student" means any student enrolled or accepted for enrollment at a participating institution, meeting the criteria established by the federal act and this chapter for the various authority administered programs.

(6) "Endorser" means a person who signs a student loan promissory note as an accommodation party, in the manner of KRS 355.3-419, and is secondarily liable for payment on such note.


(8) "Grant" means a gift of money, tuition discount, waiver of tuition and fees, or other monetary award that requires neither employment nor repayment, except under conditions prescribed by the board, and is based on demonstrated financial need and such other terms and conditions as the board may prescribe.

(9) "Honorary scholarship" means a certificate of merit or achievement or other appropriate document which may be issued by the board to students in recognition of superior academic ability or achievement or a special talent.

(10) "Insured student loan" means a loan to an eligible borrower, who is qualified under the federal act, on which the payment of principal and interest is insured as evidenced by a loan guarantee issued by the authority and reinsured by the secretary under the federal act.

(11) "Loan" means an advance of money, to be used exclusively for payment of educational expenses, evidenced by a promissory note or similar instrument requiring repayment under specified conditions.

(12) "Loan guarantee" means the certificate, document, or endorsement issued by the authority as evidence of insurance of a loan as to both principal and interest and of reinsurance by the secretary under the federal act.

(13) "Participating institution" means any eligible institution, to the extent that it offers an eligible program of study, having a contract in force with the authority, if required by the authority, on such terms as the authority may deem necessary or appropriate to the administration of its programs.

(14) "Participating lender" means any eligible lender, including the authority and the Kentucky Higher Education Student Loan Corporation, which has in force a contract with the authority providing for loan guarantee to be issued by the authority under the federal act and this chapter.

(15) "Penal institution" means any penitentiary, detention facility, adult correctional facility, jail, or other similar institution operated by the state, local, or federal government or by private business.
(16) "Recognition award" means an advance of money to or on behalf of a student in recognition of superior academic ability, achievement or special talent.

(17) "Regional accrediting association" means the Middle States Association of Colleges and Schools, Commission on Higher Education; New England Association of Schools and Colleges, Commission on Institutions of Higher Education; North Central Association of Colleges and Schools, Higher Learning Commission; Northwest Association of Schools and Colleges, Commission on Colleges; Southern Association of Colleges and Schools, Commission on Colleges; or Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities.

(18) "Scholarship" means a gift of money to provide an incentive for fulfillment of a particular public purpose which may be based on any combination of financial need, superior academic ability, achievement, a special talent, or special condition serving a public purpose and such other terms and conditions as the board may prescribe.

(19) "Secretary" means the United States Secretary of Education.

(20) "Work study" means an award of money disbursed by the board at specified intervals to students, or as reimbursement to employers of students, who provide needed services for a specified number of hours in a capacity approved by the board.

**Effective:** June 25, 2013


**Legislative Research Commission Note** (7/7/97). The reference to KRS 355.3-415 in subsection (8) of this statute as it appeared in existing language in 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 119 was erroneous, that citation having been changed to KRS 355.3-419 by 1996 Ky. Acts ch. 130, sec. 113. The correct reference has been restored in codification. Cf. KRS 446.270 and 446.280.

164.746 **Board of directors -- Membership -- Terms -- Vacancies -- Officers and employees -- Compensation -- Meetings -- Bylaws, policies, and administrative regulations -- Power to adopt Model Procurement Code.**

(1) The authority shall be governed, all of its powers shall be exercised, and its duties and functions shall be performed by a board of directors.

(a) Subject to paragraph (b) of this subsection, voting members of the board shall consist of:

1. Seven (7) members who shall be appointed from the general public residing in the Commonwealth of Kentucky by the Governor from nominees submitted by the Governor's Postsecondary Education Nominating Committee under KRS 164.005; and

2. Eight (8) members of the board of directors of the Kentucky Higher Education Student Loan Corporation appointed by the Governor pursuant to KRS 164A.050(3)(a)1., who shall serve terms of
office on the authority board of directors coextensive with their respective terms of office on the Kentucky Higher Education Student Loan Corporation board of directors.

(b) Upon resignation or expiration of the term of an appointed member of the board of the authority or the Kentucky Higher Education Student Loan Corporation, that member's position shall be abolished to reduce the combined number of appointed members of the boards of the authority and the Kentucky Higher Education Student Loan Corporation to ten (10) members.

(c) In addition, the president of the Council on Postsecondary Education, the president of the Association of Independent Kentucky Colleges and Universities, the State Treasurer, the commissioner of education, and the secretary of the Finance and Administration Cabinet, or their designees who shall be another official of the same cabinet or agency, shall serve as voting ex officio members.

(d) The term of office of appointed members shall be four (4) years. Each member shall serve for the term for which he is appointed and, except as provided in paragraph (b) of this subsection, shall serve until his successor is appointed.

(2) Subject to paragraph (b) of subsection (1) of this section, appointments to fill vacancies on the board shall be made in the same manner as regular appointments. The person appointed shall hold the position for the unexpired portion of the term only.

(3) The board shall elect from its voting membership a chair, chair-elect, and secretary/treasurer who shall each serve for a term of one (1) year. At the conclusion of the chair's term of office, the chair-elect shall become the chair for the succeeding year and the board shall elect from its voting membership a new chair-elect.

(4) Board members, except officers or employees of the state, shall receive compensation for their services, in the amount of one hundred dollars ($100) per day, and may be reimbursed for actual and necessary expenses incurred in the performance of their duties under KRS 164.740 to 164.785.

(5) The board shall provide for the holding of regular meetings and special meetings.

(a) A majority of the voting members shall constitute a quorum for the transaction of any business, special meetings shall be called by the chair in accordance with KRS 61.823, and either the chair or the chair-elect shall be present for the transaction of any business.

(b) In lieu of personal attendance by members of the board of directors at the same location, the board of directors may conduct meetings by teleconference or other available technological means suitable for conducting its business. Meetings of the board shall be open and accessible to the public in accordance with KRS 61.805 to 61.850, and any alternate method of conducting a meeting in lieu of personal attendance shall ensure public access.

(6) The board shall adopt bylaws and policies governing its internal affairs and the conduct of its business, and shall adopt administrative regulations pursuant to KRS Chapter 13A, not inconsistent with law, in connection with the administration of the authority's programs and the performance of its functions and duties.
(7) The board may:

(a) Appoint such officers and employees as necessary and may fix their compensation, and shall
prescribe their duties notwithstanding personnel limits established by KRS 18A.010 or the biennial
budget and its related documents; and

(b) Adopt the provisions of KRS 45A.345 to 45A.460, pursuant to KRS 45A.343.

**Effective:** July 1, 2005

9, effective June 24, 2003. -- Amended 2002 Ky. Acts ch. 37, sec. 5, effective July 15, 2002; and ch. 253, sec. 1,
1994; and ch. 447, sec. 4, effective April 11, 1994. -- Amended 1982 Ky. Acts ch. 403, sec. 3, effective July 15,

164.748  **Powers and duties of board.**

The board shall have the following powers, functions, and duties:

(1) To provide loan guarantees, upon terms and conditions the board may prescribe within the limitations
provided by KRS 164.740 to 164.770, and the federal act in respect of loans to eligible borrowers. The
board may require additional security, including endorsers it deems necessary and desirable and is not in
contravention of the federal act. The purpose of the loans shall be to assist individuals in meeting the
expense of their education.

(2) To enter into agreements and undertakings with the secretary as may be required and necessary
pursuant to the federal act in order to constitute the authority as a state agency qualified and empowered to
insure student loans within the meaning of the federal act and to qualify insured student loans for interest
payments, reimbursement, reinsurance, and other benefits available under the federal act to the authority.

(3) To issue loan guarantees in respect of loans made to eligible borrowers by participating lenders,
including the authority. No loan guarantee shall be issued, executed, and delivered by the authority unless
any insured student loan resulting shall be the subject of agreements pursuant to the federal act by which
the insured student loan is made the subject of interest payments, reimbursements, reinsurance, and other
benefits to the extent provided by the federal act.

(4) To promulgate administrative regulations pursuant to KRS Chapter 13A pertaining to insured student
loans, loan guarantees, loans, and work-study payments and the awarding of grants, scholarships, and
honorary scholarships, as provided in KRS 164.740 to 164.7891.

(5) To enter into contracts with eligible lenders, approved by the state to lend moneys, upon terms and
conditions agreed upon between the authority and the eligible lender, to provide for the administration of
student financial assistance programs, including, but not by way of limitation, the authority's program of
insured student loans.
(6) To enter into contracts with eligible institutions, upon terms and conditions agreed upon between the authority and the eligible institution, to provide for the administration of student financial assistance programs, including, but not by way of limitation, the authority's program of insured student loans.

(7) To receive funds from any source, public or private, by gift, grant, bequest, loan, or otherwise, either absolutely or in trust, and to expend them, on behalf of the authority and for any of its purposes; and to acquire from any source, public or private, by purchase, lease, gift, bequest, or devise, any property, real, personal, or mixed, absolutely or in trust, and to hold, administer, and dispose of it, on behalf of the authority and for any of its purposes. The authority shall not make its debts payable out of any funds except those of the authority.

(8) To administer federal funds allotted to the state in respect of insured student loans, loan guarantees, loans, work-study, grants, scholarships, administrative costs, and related matters.

(9) To sue and be sued in the name of the authority and to plead and be impleaded, and to purchase, on behalf of members of the board or officers and employees of the authority, liability insurance for individual protection from liability for acts and omissions committed in the course and scope of the individual's employment or service.

(10) To collect from individual borrowers loans made by the authority and insured student loans on which the authority has been compelled to meet its loan guarantee obligations following the inability of the participating lender involved to collect the insured student loans.

(11) To gather information on all loans, scholarships, honorary scholarships, grants, and work-study opportunities available to Kentucky residents attending or planning to attend an eligible institution and to disseminate the information through the methods of mass communication necessary to ensure that Kentucky residents are aware of financial resources available to those attending or desiring to attend an eligible institution.

(12) To request reports from each eligible institution or eligible lender necessary for the effective performance of its duties and to publish the information it deems necessary.

(13) To approve, disapprove, limit, suspend, or terminate the participation of, or take emergency action to withhold authority funds and insured student loans from eligible institutions or eligible lenders in programs administered by the board, subject to the provisions of the federal act and this chapter.

(14) To perform other acts necessary or appropriate to carry out effectively the purposes of the authority as provided by KRS 164.740 to 164.7891 and KRS 164A.010 to 164A.380.

(15) If any conflict exists between KRS 164.740 to 164.770 and the federal act, which conflict would result in a loss by the authority of any federal funds, including, but not by way of limitation, federal funds made available to the authority under the federal act, including interest payments and reimbursement for insured student loans in default, to promulgate regulations and policies consistent with the federal act not in derogation of the Constitution and general laws of the Commonwealth.

(16) Except where specifically prohibited by law, to secure data from any other Commonwealth of Kentucky agency or instrumentality or from any other source in furtherance of any purposes of the authority related to any program or function administered by the authority.
(17) To enter into contracts with public or private nonprofit agencies, eligible to hold or insure student
loans under the federal act, to provide for the exchange of information, not in contravention of any federal
or state law, or the provision of services necessary to the administration of the authority's insured student
loan programs.

(18) To enter into contracts with the Kentucky Higher Education Student Loan Corporation, the Kentucky
Educational Savings Plan Trust, and the Commonwealth postsecondary education prepaid tuition trust
fund as necessary or appropriate to facilitate their common administration, operation, and management, as
required pursuant to KRS Chapter 164A.

(19) To act as the board of directors of the Commonwealth postsecondary education prepaid tuition trust
fund under KRS 164A.700 to 164A.709.

(20) To conduct, in accordance with KRS Chapter 13B, administrative hearings pertaining to any adverse
action by the authority affecting participating institutions and lenders, eligible students, and borrowers of
loans made by the authority and insured student loans guaranteed by the authority. Wage garnishment
hearings and administrative review procedures pertaining to disputes concerning setoff of federal tax
refunds shall be exempt under KRS 13B.020 and shall be conducted in accordance with applicable federal
law. In an exempt hearing, the board or a hearing officer designated by the board may issue administrative
subpoenas for the attendance of witnesses and the production of documents relevant to the issues in
dispute. Compliance with the subpoenas shall be enforceable by a court of competent jurisdiction.

(21) To provide upon termination of the retirement plan authorized by Executive Order 75-964 to active
and retired employees of the authority who participated in that plan, health insurance premiums and
disability insurance benefits as provided to employees who participate in a state-administered retirement
system pursuant to KRS 18A.225 to 18A.229, 61.600, and 61.702.

(22) To delegate to the executive director general supervision and direction over the administrative
function of the authority and its employees in carrying out the policies, programs, administrative
regulations, and directives of the board.

Effective: July 1, 2005


164.753 Rules and regulations governing loans, loan guarantees, scholarships,
grants, and work-study programs.

(1) In the instance of loans, the rules and regulations adopted by the board may include, but not be limited
to, those which:

(a) Are necessary to qualify the authority as an insured lender under the Higher Education Act of
1965, as amended;
(b) Require that loans be made only to those eligible students who are unable to secure comparable loans from private lenders; and
(c) Are necessary to qualify the authority as a lender under the Public Health Service Act, as amended.

(2) In the instance of insured student loans and loan guarantees, the rules and regulations adopted by the board shall include, but not be limited to, those which are necessary to qualify the authority to insure loans under the federal act, as amended, and following such qualification to issue loan guarantees to participating lenders on any loans advanced by such lenders to eligible students attending or planning to attend any participating institution.

(3) In the instance of scholarships, except scholarships provided pursuant to KRS 164.518, the rules and regulations adopted by the board shall include, but not be limited to, those which:
(a) Specify ways in which superior academic achievement or ability or special talents will be identified and measured;
(b) Ensure that the amount of scholarship to a student attending or planning to attend a participating institution will not exceed the student's total cost of attendance, or the maximum scholarship as established by the board, whichever is less;
(c) Restrict scholarships to persons who are classified as resident students under the rules and regulations of the Council on Postsecondary Education;
(d) Ensure that scholarships are awarded only to eligible students who have applied for such federal, state, or institutional student financial assistance programs as the authority may require;
(e) Ensure that scholarships are awarded only to eligible students who are planning to enroll, accepted for enrollment, or are enrolled in a participating institution; and
(f) If eligibility for the scholarship is based on financial need, ensure, by such needs analysis as the authority may require, that the person is in need of the assistance in order to enroll in or complete an eligible program of study as defined by the board.

(4) In the instance of grants, the rules and regulations adopted by the board shall include, but not be limited to, those which:
(a) Ensure that the amount of a grant to a student will not exceed the financial need of the student as determined in accordance with paragraph (e) of this subsection or the maximum grant as established by the board, whichever is less;
(b) Restrict grants to persons who are classified as resident students under the rules and regulations of the Council on Postsecondary Education;
(c) Ensure that grants are awarded only to eligible students who have applied for such federal, state, or institutional student financial assistance programs as the authority may require;
(d) Ensure that grants are awarded only to eligible students who are planning to enroll, accepted for enrollment, or are enrolled in a participating institution; and
(e) Ensure, by such needs analysis as the authority may require, that grants be made only to students who have insufficient financial resources to enroll in or complete an eligible program of study as defined by the board.

(5) Funds appropriated to the financial assistance program established by KRS 164.780 and 164.785 shall be administered by the board in accordance with the provisions of KRS 164.780 and 164.785.

(6) In the instance of work-study payments, rules and regulations adopted by the board shall include, but not be limited to, those which require that:

(a) The employment opportunity available for the student will not interfere with the student's normal progress toward a degree, diploma, or certificate;

(b) Contracts to promote increased employment opportunities for eligible students will not result in the displacement of employed workers or impair existing contracts for services; and

(c) The work-study payment will not exceed the financial need of the student or the maximum payment as established by the board, whichever is less.

Effective: July 13, 2004


164.7535 College access program grants.
Notwithstanding KRS 164.753(4)(d), the Kentucky Higher Education Assistance Authority may award college access program grants pursuant to KRS 164.753(4), to the extent funds are available for the purpose, to financially needy part-time and full-time undergraduate students, including students enrolled in a program of study designated as an equivalent undergraduate program of study by the Council on Postsecondary Education in an administrative regulation. Grants shall be awarded only to students enrolled or accepted for enrollment at participating institutions located within the Commonwealth. Grants under this section shall be awarded only for attendance in a program of study of at least two (2) academic years' duration. Grants under this section shall be awarded only to students enrolled or accepted for enrollment at participating institutions accredited by a regional accrediting association shall not exceed the prevailing amount charged for tuition at publicly-supported community and technical colleges in Kentucky, and awards to recipients attending other participating institutions shall not exceed the prevailing amount charged for tuition at publicly-operated vocational-technical institutions in Kentucky. The provisions of this section shall not limit the authority's capability to use funds appropriated for this
purpose to match federal funds, make grant awards, adopt administrative regulations that conform to the requirements of federal laws and regulations for full participation in federally-funded student financial assistance programs.

Effective: June 25, 2013


164.7894 Kentucky Coal County College Completion Program.

(1) The General Assembly recognizes that the bachelor degree attainment rate in the coal-producing counties of Kentucky is lower than the state average. It is the intent of the General Assembly to establish the Kentucky Coal County College Completion Program to assist residents of coal-producing counties who are attending postsecondary education institutions located in coal-producing counties by providing:

(a) Scholarships to:

1. Decrease the financial barriers to bachelor's degree completion; and
2. Encourage students to remain in the area; and

(b) Grants to community colleges located in coal-producing counties to enhance the extent and quality of student support services and program offerings necessary to increase student success and degree production in the area.

(2) For purposes of this section:

(a) "District" means the Kentucky Coal County District consisting of coal-producing counties as defined in KRS 42.4592(1)(c);

(b) "High school" means a Kentucky public high school or a private, parochial, or church school located in Kentucky that has been certified by the Kentucky Board of Education as voluntarily complying with curriculum, certification, and textbook standards established by the Kentucky Board of Education under KRS 156.160;

(c) "Kentucky Coal County College Completion scholarship" or "KCCCC scholarship" means a scholarship described in subsection (1)(a) of this section;

(d) "Kentucky Coal County College Completion student services grant" or "KCCCC student services grant" means a grant described in subsection (1)(b) of this section; and

(e) "Tuition" means the in-state tuition and mandatory fees charged to all students as a condition of enrollment in an undergraduate program.

(3) A participating institution shall:

(a) Be physically located in the district;

(b) Offer bachelor's degree programs; and be:
(c) 1. A regionally accredited, independent nonprofit Kentucky college or university licensed by the Council on Postsecondary Education whose main campus is based in the district, including a work-college as determined by the Kentucky Higher Education Assistance Authority;
   2. A four (4) year public university extension campus; or
   3. A regional postsecondary education center, including the University Center of the Mountains.

(4) A participating institution may establish extension campuses within the district to offer bachelor degree programs for purposes of this section.

(5) A nonparticipating institution shall:
   (a) Have its main campus located in Kentucky but not in the district;
   (b) Offer a bachelor's degree program not offered at any participating institution;
   (c) Be accredited by the Southern Association of Colleges and Schools; and
   (d) Be a public or independent, nonprofit college or university that is licensed by the Council on Postsecondary Education.

(6) The Kentucky Higher Education Assistance Authority shall administer the Kentucky Coal County College Completion Program and shall promulgate administrative regulations in accordance with KRS Chapter 13A as may be needed for the administration of the program.

(7) The authority may award a KCCCC scholarship under this section, to the extent funds are available for that purpose, to any person who:
   (a) Is considered a permanent resident of the district for at least one (1) year immediately preceding July 1 of the academic year in which the scholarship is made;
   (b) Is a United States citizen;
   (c) Is a Kentucky resident as determined by the institution in accordance with criteria established by the Council on Postsecondary Education for the purposes of admission and tuition assessment;
   (d) Completes and submits the Free Application for Federal Student Aid for the academic year in which the grant is made;
   (e) Has earned at least sixty (60) credits or the equivalent of completed coursework toward a bachelor's degree;
   (f) Is enrolled at least half-time at a participating institution, or a nonparticipating institution in accordance with subsection (8) of this section, in upper division courses in a program of study that leads to a bachelor's degree;
   (g) Is in good academic standing in accordance with the institution's policy; and
   (h) Is not in default on any obligation to the authority under any program administered by the authority under KRS 164.740 to 164.785, except that ineligibility for this reason may be waived by the authority for cause.

(8) A student otherwise eligible for the KCCCC scholarship who is enrolled in a nonparticipating institution shall be eligible to receive the KCCCC scholarship if he or she is enrolled in a bachelor's degree program in a field of study that is not offered at any participating institution. A program shall be clearly unlike any degree program offered by a participating institution to be eligible. The authority shall promulgate administrative regulations to establish procedures to designate the approved
programs of study at nonparticipating institutions for which an eligible student can receive the KCCCC scholarship, which shall include a program review process that requires fifty percent (50%) or more of the courses offered in a program to be different from courses available in a program offered by a participating institution. The maximum annual total of KCCCC scholarships expended for this purpose, to the extent funds are available, shall not exceed five percent (5%) of the amount appropriated for KCCCC scholarships.

(9) (a) The KCCCC scholarship amount provided to a student may be applied to the student's cost of attendance and shall be forty percent (40%), up to the maximum amount defined in subsections (10) and (11) of this section, of the amount remaining after subtracting the student's federal and state grants and scholarships from the institution's published tuition and mandatory fees amount that is used for purposes of packaging federal student aid. Work study and student loan funds shall not be included in the calculation.

(b) For purposes of this subsection, the tuition amount for a work-college, as described in subsection (3)(c)1. of this section, shall be the average tuition and mandatory fees amount of the participating institutions that are described in subsection (3)(c)1. of this section and are not work-colleges.

(c) Students attending less than full-time shall receive a pro rata amount as determined by the authority.

(10) The maximum KCCCC scholarship award amount for the 2014-2015 academic year shall not exceed:

(a) Six thousand eight hundred dollars ($6,800) per academic year for a student attending a participating institution that is a nonprofit, independent college or university;

(b) Two thousand three hundred dollars ($2,300) per academic year for a student attending a participating institution that is a public university extension campus or a regional postsecondary education center; or

(c) Three thousand four hundred dollars ($3,400) per academic year for a student attending a nonparticipating institution as prescribed in subsection (8) of this section.

(11) The authority shall calculate the average annual percentage increase in tuition for the six (6) comprehensive universities as defined in KRS 164.001. The maximum KCCCC scholarship amounts in subsection (10) of this section shall be increased for each subsequent academic year by the total average percentage increase since the 2014-2015 academic year.

(12) The authority shall award KCCCC scholarships chronologically based on when applicants submit the Free Application for Federal Student Aid until funds are exhausted, except prior recipients shall be awarded before any new KCCCC scholarship recipients. Applicants who received a KCCCC scholarship in the immediately preceding academic semester and apply by the deadline established by the authority shall be awarded first.

(13) A student may receive a KCCCC scholarship for a maximum of five (5) full-time fall or spring academic semesters, or their equivalent under a trimester or quarter system, or until the completion of a first bachelor's degree, whichever occurs first. The authority shall determine the equivalent usage of academic semester eligibility for students enrolled less than full-time.
(14) The authority may award KCCCC student services grants under this section, to the extent funds are available for that purpose, to a Kentucky Community and Technical College System institution that is physically located in the district.

(15) The maximum annual KCCCC student services grant shall be one hundred fifty thousand dollars ($150,000) per institution.

(16) KCCCC student services grants shall be used for the following purposes:
   (a) To expand outreach services in high schools, in coordination with outreach services provided by the authority, to advise students of the advantages and importance of seeking a bachelor's degree and the opportunities to attain a bachelor's degree within the district;
   (b) To expand advising resources to encourage completion of associate degree programs and transfer into bachelor's degree programs;
   (c) To expand career advising resources to better link baccalaureate academic pursuits to career opportunities, especially within the district; and
   (d) To provide multifaceted retention and student transfer initiatives to encourage associate degree completion leading to bachelor's degree programs.

(17) Beginning November 1, 2015, and each year thereafter, the authority shall make an annual report to the Interim Joint Committee on Education on the status of the Kentucky Coal County College Completion Program. (18) Every four (4) years after implementation of the Kentucky Coal County College Completion Program, the authority shall evaluate the program to ensure the policy objectives are being realized and to suggest adjustments to maximize the increase in bachelor's degree completion rates.

(19) Each participating institution, nonparticipating institution, and recipient of a KCCCC student services grant shall make data available to the authority for the report and evaluation described in subsections (17) and (18) of this section.

(20) If any participating institution, nonparticipating institution, or recipient of a KCCCC student services grant does not demonstrate improved performance in student performance metrics, including but not limited to graduation and transfer rates, the authority may revoke the institution's eligibility for participation in the KCCCC scholarship or KCCCC student services grant.

(21) (a) The coal county college completion scholarship fund is hereby created as a trust fund in the State Treasury to be administered by the Kentucky Higher Education Assistance Authority for the purpose of providing scholarships described in subsection (1)(a) of this section.
   (b) The trust fund shall consist of amounts appropriated annually from coal severance tax receipts to the extent that the enacted biennial budget of the Commonwealth includes such appropriations. The trust fund may also receive gifts and grants from public and private sources and federal funds. No general fund moneys shall be appropriated for this purpose.
   (c) Any unallotted or unencumbered balances in the trust fund shall be invested as provided in KRS 42.500(9). Income earned from the investments shall be credited to the trust fund.
(d) Notwithstanding KRS 45.229, any fund balance at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year and continuously appropriated only for the purposes specified in this section.

(22) (a) The coal county college completion student services grant fund is hereby created as a trust fund in the State Treasury to be administered by the Kentucky Higher Education Assistance Authority for the purpose of providing grants described in subsection (1)(b) of this section.

(b) The trust fund shall consist of amounts appropriated annually from coal severance tax receipts to the extent that the enacted biennial budget of the Commonwealth includes such appropriations. The trust fund may also receive gifts and grants from public and private sources and federal funds. No general fund moneys shall be appropriated for this purpose.

(c) Any unallotted or unencumbered balances in the trust fund shall be invested as provided in KRS 42.500(9). Income earned from the investments shall be credited to the trust fund.

(d) Notwithstanding KRS 45.229, any fund balance at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year and continuously appropriated only for the purposes specified in this section.

Effective: July 15, 2014

164.7911 Strategic Investment and Incentive Funding Program -- Trust funds -- Interest -- Appropriations.

(1) There is established and created in the Council on Postsecondary Education a Strategic Investment and Incentive Funding Program for postsecondary education to consist of a system of strategic financial assistance awards to institutions, systems, agencies, and programs of postsecondary education to advance the goals of postsecondary education as stated in KRS 164.003(2). There are established in the State Treasury the following individual strategic investment and incentive trust funds:

(a) A research challenge trust fund;

(b) A comprehensive university excellence trust fund;

(c) A technology initiative trust fund;

(d) A physical facilities trust fund;

(e) A postsecondary workforce development trust fund; and

(f) A student financial aid and advancement trust fund.

(2) The funding program and the individual trust funds are created to provide financial assistance to the institutions, systems, agencies, and programs of postsecondary education each fiscal biennium. It is the intent of the General Assembly to make appropriations, including general fund appropriations, each fiscal biennium to each of the individual trust funds in the funding program in a form and manner consistent with the strategic agenda adopted by the Council on Postsecondary Education. Appropriations made to individual trust funds in the Strategic Investment and Incentive Funding
Program shall not lapse at the end of a fiscal year but shall be carried forward in the respective trust fund accounts and shall be available for allotment for their respective purposes in the next fiscal year.

**Effective:** July 15, 2008


### 164.7913 Sources of funding -- Investment of balances -- Capital projects -- Allotment of appropriations.

1. The individual trust funds in the Strategic Investment and Incentive Funding Program may receive state appropriations, gifts and grants from public and private sources, and federal funds. Any unallotted or unencumbered balances in the individual trust funds shall be invested as provided for in KRS 42.500(9). Income earned from the investments shall be credited to the appropriate trust fund accounts.

2. All capital projects funded through appropriations to one (1) of the individual trust funds shall adhere to the capital processes created in KRS Chapters 7A, 45, 45A, and 48.

3. Debt service appropriations for bond-supported capital projects funded through one (1) of the individual trust funds shall be made to the individual trust fund. Allotment of the appropriations shall be made to the university, Kentucky Community and Technical College System, or agency authorized to issue the bonds to finance the capital project.

**Effective:** May 30, 1997


### 164.7915 Budget request -- Purpose of appropriations.

1. The Council on Postsecondary Education shall make a biennial budget request to the General Assembly and to the Governor with regard to:

   a. Specific funding amounts to be appropriated to each individual trust fund in the Strategic Investment and Incentive Funding Program;

   b. Specific funding amounts of all capital projects to be appropriated and funded from each individual trust fund in the Strategic Investment and Incentive Funding Program; and

   c. Funding to be appropriated to the base budgets of the institutions, systems, agencies, and programs.

2. Funds appropriated for the Strategic Investment and Incentive Funding Program shall be for the purpose of encouraging the activities of institutions, systems, agencies, and programs of postsecondary education in accordance with the strategic agenda adopted by the Council on Postsecondary Education.

**Effective:** May 30, 1997

164.7921 Technology initiative trust fund.
(1) (a) The technology initiative trust fund created by KRS 164.7911 is intended to support investments in electronic technology for postsecondary education throughout the Commonwealth to improve student learning.
(b) The Council on Postsecondary Education may establish separate subsidiary programs and related accounts to provide financial assistance to the postsecondary education system in acquiring the infrastructure necessary to acquire and develop electronic technology capacity; to encourage shared program delivery among libraries, institutions, systems, agencies, and programs; to provide funding for the Commonwealth Virtual University under KRS 164.800; and other programs consistent with the purposes of postsecondary education, the adopted strategic agenda, and the biennial budget process.
(2) The council shall develop the criteria and process for submission of an application under this section. Any university and the Kentucky Community and Technical College System may apply to the council for financial assistance from the technology initiative trust fund. The council shall determine the matching funds or internal reallocation requirements for the applicants to qualify for funding. Financial assistance that may be awarded by the council shall be consistent with the adopted strategic agenda, the biennial budget process, and the availability of any resources to the technology initiative trust fund.
Effective: May 30, 1997

164.7923 Physical facilities trust fund.
(1) The physical facilities trust fund created by KRS 164.7911 is intended to provide sufficient financial assistance for unexpected contingencies for the construction, improvement, renovation, or expansion of the physical facilities of the postsecondary education system.
(2) The Council on Postsecondary Education shall develop the criteria and process for submission of an application under this section. The physical facilities trust fund shall not replace the existing capital construction provisions and appropriation provisions of state law. Each university or the Kentucky Community and Technical College System may apply to the council for financial assistance from the physical facilities trust fund. Financial assistance that may be awarded by the council shall be consistent with the adopted strategic agenda, the biennial budget process, and the availability of any resources to the physical facilities trust fund.
Effective: May 30, 1997

164.7925 Postsecondary workforce development trust fund.
(1) The postsecondary workforce development trust fund created by KRS 164.7911 is intended to provide financial assistance to further cooperative efforts among community colleges and technical
institutions and for the acquisition of equipment and technology necessary to provide quality
education programs.

(2) The Council on Postsecondary Education shall develop the criteria and process for submission of an
application under this section. The Kentucky Community and Technical College System may apply
to the council for financial assistance from the postsecondary workforce development trust fund.
Financial assistance shall be awarded for instructional programs ensuring that the community
colleges and the technical institutions are able to continually acquire state-of-the-art equipment and
technology needed to accomplish their missions.

Effective: May 30, 1997


164.7927 Student financial aid and advancement trust fund.

(1) (a) The student financial aid and advancement trust fund created by KRS 164.7911 is intended to
provide financial assistance that encourages student access to postsecondary education
including regionally accredited or nationally accredited technical institutions and colleges,
community colleges, public universities, and regionally accredited private colleges and
universities.

(b) Appropriations shall be made to the trust fund and allotted to universities and the Kentucky
Community and Technical College System or to the Kentucky Higher Education Assistance
Authority as the Council on Postsecondary Education deems appropriate. Appropriations made
to this trust fund may be used for the College Access Program, the Kentucky Tuition Grant
Program, or other student financial aid programs as authorized by the General Assembly.

(c) The council shall establish separate subsidiary programs and related accounts that are
consistent with this section, the adopted strategic agenda, the biennial budget process, and the
availability of any resources to the student financial aid and advancement trust fund.

(2) (a) The Council on Postsecondary Education, in consultation with the Kentucky Higher Education
Assistance Authority, shall determine the nature and purposes of budget requests for funding
support to the student financial aid and advancement trust fund. The determination shall be
based upon the financial assistance needs and requirements of students of postsecondary
regionally accredited or nationally accredited private or public institutions.

(b) A minimum of twenty-five percent (25%) of the student financial aid and advancement trust
fund appropriation shall be allotted for the purpose of assisting individuals whose available
income, determined in accordance with part F of Title IV of the Higher Education Act of 1965
as amended, is at or below one hundred percent (100%) of the federal income poverty
guidelines. From the foregoing allotment, administrators of programs funded under this section
may exercise discretion in accordance with 20 U.S.C. sec. 1087tt in awarding student financial
assistance benefits on a case-by-case basis to individuals with disabilities, as defined by Title II
of the Americans with Disabilities Act, 42 U.S.C. secs. 12131 et seq., whose available income
is above the federal income poverty guidelines, whether or not the student qualifies for
vocational rehabilitation services. Any funds remaining after all eligible students have been served under this paragraph may be used for other purposes as provided in this section.

(3) The council shall develop the criteria and process for submission of an application under this section. Financial assistance that may be awarded by the council shall be consistent with the adopted strategic agenda, the biennial budget process, and the availability of any resources to the student financial aid and advancement trust fund.

Effective: May 30, 1997

Campus Safety and Security

164.948 Definitions for KRS 164.9481, 164.9483, and 164.9485.

As used in KRS 164.9481, 164.9483, and 164.9485, unless the context requires otherwise:

(1) "Campus" means all property owned, managed, or controlled by an institution of postsecondary education including but not limited to academic buildings; student housing and recreational facilities; residential facilities operated by any officially recognized student organization; all sections of public property such as streets, sidewalks, and parking facilities immediately contiguous to campus buildings; and remote facilities leased for use as classroom space or student living.

(2) "Campus security authority" means campus police, security officers, and any official at a postsecondary education institution who has significant responsibility for student and campus activities, including student discipline, student housing, student judicial affairs, and student life administration. Professional mental health, pastoral, and other licensed counselors when functioning in that capacity are not considered campus security authorities.

(3) "Crime" means murder, manslaughter, reckless homicide, assault, menacing, wanton endangerment, terroristic threatening, stalking, forcible or nonforcible sex offenses, burglary, criminal damage to property, arson, theft, motor vehicle theft, robbery, weapons possession, and criminal attempt for any of the aforementioned crimes, and arrests for drug-related violations and liquor law violations.

(4) "Immediately" means before the last fire unit has left the scene in order for the state fire marshal to have the opportunity to speak with fire unit personnel before they leave the scene, but no later than two (2) hours following the time the fire or threat of fire is discovered. In the event of a minor fire to which the local fire officials are not called or do not respond, "immediately" means no later than one (1) hour following the discovery of the fire.

(5) "Postsecondary education institution" means any Kentucky public four (4) year institution or two (2) year community college or technical college that grants a postsecondary education credential, and any private college or university that is licensed by the Council on Postsecondary Education under KRS 164.945 to 164.947.

Effective: July 15, 2010
Duty of postsecondary institution to maintain crime log – Duty to report to campus community on crimes and threats to safety or security of students and employees.

1. Crime log:
   (a) Each postsecondary education institution shall make, keep, and maintain a daily log, written in a form approved by the Council on Postsecondary Education that can be easily understood, recording all crimes occurring on campus and reported to campus security authorities or local law enforcement agencies, including:
      1. The category of crime, and a description of the incident, date, time, and general location of each crime; and
      2. The disposition of the complaint if known, including referral for prosecution, institutional disciplinary proceedings, or investigation by another state agency. The disposition shall include a reference to an investigation or incident report number.
   (b) All entries in the campus crime log shall be made available for public inspection within twenty-four (24) hours after the first report of an incident was made to any campus security authority or local law enforcement officials.
      1. If there is clear and convincing evidence that the release of the information would cause a suspect to flee or evade detection, would result in the destruction of evidence, or is prohibited from release by law, the information may be withheld until that damage is no longer likely to occur from the release of the information. Only the information that is absolutely necessary to withhold for the reasons stated in this paragraph may be withheld; all other information shall be released.
      2. In the event information is withheld under the provisions of paragraph (a) of this subsection, the crime shall still be reported and made available for public inspection.
   (c) The campus crime log required by this section shall be readily accessible and open for public inspection at all times and shall be made available on campus computer networks to which students, employees, and other campus community members have access. Each semester the institution shall notify currently enrolled students, students applying to the institution, and employees of the availability of the campus crime log, where it can be accessed, and the exact electronic address on the computer network.

2. Special reports: In addition to the campus crime log, each postsecondary education institution shall make timely reports to the campus community on crimes reported to campus security authorities or local law enforcement authorities determined by those authorities to present a safety or security threat to students or employees.
   (a) The reports shall be made available to students and employees within twenty-four (24) hours after an incident is first reported.
   (b) The information shall be reported in a manner that will aid in the prevention of similar
(c) Institutions shall use computer networks and post the reports in each residential facility. The institution may also use flyers and other campus publications including newspapers, and other media.

(d) Each institution shall adopt a policy to comply with this requirement and the policy shall be included in the postsecondary education institution's annual campus safety and security report published in compliance with KRS 164.9485.

Effective: July 14, 2000


164.9483 Jurisdiction and powers of state fire marshal -- Duty of campus security authorities to report fire or threat of fire to fire marshal.

(1) Under the provisions of KRS Chapter 227, the state fire marshal shall have jurisdiction over all property in the state including property of public postsecondary education institutions and property of any private college or university that is licensed by the Council on Postsecondary Education as provided for by KRS 164.945 to 164.947, insofar as it is necessary for the administration and enforcement of any duty imposed on the office by law or administrative regulation and all laws, ordinances, regulations, and orders designed to protect the public from fire loss.

(2) The state fire marshal or the state fire marshal's employee or appointee may, without delay or advance notice and at all reasonable hours of the day or night, enter in or upon any property defined under KRS 227.200 located on the campus to make an inspection, investigation, or any other action necessary for the purpose of preventing fire loss or determining the origin of any fire.

(3) No person shall obstruct, hinder, or delay such an officer in the performance of his or her duty.

(4) Upon learning of a fire or threat of fire, a campus security authority designated by the college or university president to be responsible and liable for reporting shall immediately report each fire or threat of fire to the state fire marshal in Frankfort and the local deputies, assistants, and employees appointed under KRS 227.230. No fire scene located on a campus shall be cleared or cleaned without the express consent of the state fire marshal to do so after a representative of the state fire marshal has had an opportunity to investigate the scene.

Effective: July 15, 2010


164.9485 Duty of postsecondary institution to submit statement of policies concerning campus safety and security.

Effective September 1, 2000, and each year thereafter, each postsecondary education institution shall submit to the Council on Postsecondary Education a statement of current policies concerning campus safety and security including, but not limited to:

(1) The enforcement authority of security personnel, including their working relationship with state and
local police agencies;

(2) A description of programs designed to inform students and employees about the campus safety and security procedures and practices, how to report crimes, and how to prevent crimes; and

(3) Statistics concerning the occurrence of crimes on campus during the most recent calendar year. The statistical data shall be reported by the number of occurrences based on:

(a) Location, broken down in the following classifications:
   1. Total number on campus:
      a. Subtotal of occurrences indicating specifically those in dormitories or other residential facilities;
      b. Subtotal of occurrences indicating specifically those in or on noncampus buildings or property; and
   2. On public property contiguous to the campus.

(b) Category of crime committed:
   1. As defined in KRS 164.948; and
   2. By category of prejudice, any crime reported to local police agencies or to a campus security authority, that manifests evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability.

Effective: July 14, 2000

164.9487 Duty of postsecondary institution to obtain statistics and crime reports – Limitation of liability – Reporting formats.

(1) In complying with the statistical and reporting requirements mandated in KRS 164.948 to 164.9489 and KRS 164.993, an institution shall make a reasonable, good-faith effort to obtain statistics and crime reports from outside agencies. An institution that makes such an effort is not responsible for an outside agency's failure to provide statistics or crime reports or for verifying the accuracy of the statistics or reports that are provided.

(2) The Council on Postsecondary Education shall specify formats for reporting to ensure uniformity.

   Effective: July 14, 2000

164.9489 Short title for KRS 164.948 to 164.9489 and KRS 164.993.
KRS 164.948 to 164.9489 and KRS 164.993 may be cited as the Michael Minger Life Safety Act.

   Effective: July 15, 2014

Penalties
164.993 Penalties for violation of KRS 164.9481 or 164.9483

(1) Any person, including campus personnel, who knowingly violates the provisions of KRS 164.9481 and 164.9483, or who knowingly induces another, directly or indirectly, to violate the provisions of those sections, shall be fined not less than five hundred dollars ($500), nor more than one thousand five hundred dollars ($1,500), or imprisoned in the county jail for up to thirty (30) days, or both.

(2) In addition to the penalties required in subsection (1) of this section, any person or any postsecondary education institution who violates the provisions of KRS 164.9483 shall be liable for a civil penalty of not less than one thousand dollars ($1,000) nor more than two thousand dollars ($2,000) per violation for each day the violation occurs or remains in effect. The state fire marshal shall have the authority, after investigation, to assess and collect the fines. Any person or postsecondary education institution aggrieved by an assessment of a civil fine may appeal to the Franklin Circuit Court.

Effective: July 15, 2002

CHAPTER 164A
HIGHER EDUCATION FINANCE

164A.050 Kentucky Higher Education Student Loan Corporation -- Establishment -- Organization -- Terms -- Duties -- Removal -- Expenses -- Relationship with other educational entities.

(1) There is hereby created and established an independent de jure municipal corporation and political subdivision of the Commonwealth of Kentucky which shall be a body corporate and politic to be known and identified as the Kentucky Higher Education Student Loan Corporation.

(2) The Kentucky Higher Education Student Loan Corporation is created and established as an independent de jure municipal corporation and political subdivision of the Commonwealth of Kentucky to perform essential governmental and public functions and purposes in improving and otherwise promoting the educational opportunities of the citizens and inhabitants of the Commonwealth of Kentucky and other qualified students by a program of financing, making, and purchasing of insured student loans.

(3) (a) Subject to paragraph (b) of this subsection, the corporation shall be governed by a board of directors consisting of:
    1. Eight (8) voting members chosen from the general public residing in the Commonwealth of Kentucky; and
    2. Seven (7) voting members of the board of directors of the Kentucky Higher Education Assistance Authority appointed by the Governor pursuant to KRS 164.746(1)(a)1., who shall
serve terms of office on the corporation board of directors coextensive with their respective
terms of office on the Kentucky Higher Education Assistance Authority board of directors.

(b) Upon resignation or expiration of the term of an appointed member of the board of the
corporation and the Kentucky Higher Education Assistance Authority, that member's position
shall be abolished to reduce the combined number of appointed members of the boards of the
corporation and the Kentucky Higher Education Assistance Authority to ten (10) members.

c) In addition, the president of the Council on Postsecondary Education, the secretary of the Finance
and Administration Cabinet, the president of the Association of Independent Kentucky Colleges
and Universities, the State Treasurer, and the commissioner of education, or their designees who
shall be another official of the same cabinet or agency, shall serve as ex officio voting members.

(4) The Governor shall appoint directors according to subsection (3)(a)1. of this section from nominees
submitted by the Governor's Higher Education Nominating Committee under KRS 164.005 to take
office and to exercise all powers thereof immediately. The terms shall be staggered and shall be for a
period of four (4) years each. Each director shall serve for the appointed term and, except as provided
in subsection (3)(b) of this section, shall serve until a successor has been appointed and has duly
qualified.

(5) Except as provided in subsection (3)(b) of this section, in the event of a vacancy, the Governor may
appoint a replacement director from nominees submitted by the Governor's Higher Education
Nominating Committee under KRS 164.005 who shall hold office during the remainder of the term
so vacated.

(6) The Governor may remove any director from the general public in case of incompetency, neglect of
duties, gross immorality, or malfeasance in office; and may thereupon declare such office vacant and
may appoint a person to fill such vacancy as provided in other cases of vacancy.

(7) The board shall elect from its voting membership a chair, chair-elect, and secretary-treasurer. The
executive director of the Kentucky Higher Education Assistance Authority shall serve as executive
director of the corporation.

(8) The executive director shall administer, manage, and direct the affairs and business of the corporation,
subject to the policies, control, and direction of the board of directors of the corporation. The
secretary-treasurer of the corporation shall keep a record of the proceedings of the corporation and
shall be custodian of all books, documents, and papers filed with the corporation, the minute book or
journal of the corporation, and its official seal. The secretary-treasurer may copy all minutes and
other records and documents of the corporation and give certificates under the official seal of the
corporation to the effect that such copies are true copies and all persons dealing with the corporation
may rely upon such certificates.

(9) A majority of the board of directors of the corporation shall constitute a quorum for the purpose of
conducting its business and exercising its powers and for all other purposes notwithstanding the
existence of any vacancies in respect of the board of directors.
(10) Official actions may be taken by the corporation at meetings duly called by the chair upon three (3) days' written notice to each director or upon the concurrence of at least a majority of the directors. In lieu of personal attendance by members of the board of directors at the same location, the board of directors may conduct meetings by teleconference or other available technological means suitable for conducting its business. Meetings of the board shall be open and accessible to the public in accordance with KRS 61.805 to 61.850, and any alternate method of conducting a meeting in lieu of personal attendance shall ensure public access.

(11) Directors, except officers or employees of the state, shall receive one hundred dollars ($100) compensation per day for their services and shall be entitled to payment of any reasonable and necessary expense actually incurred in discharging their duties under this chapter.

(12) Recognizing that the corporation and the Kentucky Higher Education Assistance Authority are governed by identical boards of directors and managed by a common executive director and otherwise share staff functions, the two (2) organizations shall provide technical, clerical, and administrative assistance to each other and for the Asset Resolution Corporation, the Kentucky Educational Savings Plan Trust, and the Commonwealth postsecondary education prepaid tuition trust fund, together with necessary office space and personnel, and shall assist each other in all ways by the performance of any and all actions which may be useful or beneficial in the performance of their public functions.

(13) The corporation shall enter into contracts with the Kentucky Higher Education Assistance Authority, the Asset Resolution Corporation, the Kentucky Educational Savings Plan Trust, and the Commonwealth postsecondary education prepaid tuition trust fund as may be proper and appropriate in respect to services which may include but not be limited to the servicing and collection of insured student loans or to facilitate the common administration, operation, and management of the contracting entities.

Effective: July 12, 2012


(1) As used in this section:

(a) "Board" means the board of directors of the Kentucky Higher Education Student Loan Corporation acting in the capacity of the board of Asset Resolution Corporation; and

(b) "Corporation" means the Asset Resolution Corporation created in this section.

(2) There is hereby created an instrumentality of the Commonwealth to be known as Asset Resolution Corporation for the purpose of promoting higher educational opportunities for the citizens of the Commonwealth by providing debt resolution services for student loan obligations held by the United
States Department of Education or other third-party entities and any other related activity to the extent such activity is not limited or prohibited by statute or other governing authority.

(3) The corporation shall be attached to the Kentucky Higher Education Student Loan Corporation for administrative and reporting purposes and shall be governed, managed, and administered as a separate and distinct instrumentality of the Commonwealth in accordance with this section.

(4) The Kentucky Higher Education Student Loan Corporation and its facilities shall be used and employed in the administration of the corporation, including but not limited to the keeping of records and the employment of staff to assist in the performance of the designated activities of the corporation.

(5) The board shall have the power and authority to:
   (a) Sue and be sued;
   (b) Promulgate administrative regulations and adopt procedures to implement this section;
   (c) Make and enter into contracts necessary for the administration of the corporation;
   (d) Adopt a corporate seal and change and amend it from time to time;
   (e) Make, execute, and effectuate any and all agreements or other documents with the United States Department of Education, this Commonwealth, any federal or state agency, or any person, corporation, association, partnership, or other organization or entity and perform other acts necessary or appropriate for the effectuation of its rights and duties pursuant to this section;
   (f) Delegate to the Kentucky Higher Education Student Loan Corporation general supervision and direction over the administrative function of the corporation and its employees in carrying out the policies, programs, administrative regulations, and directives of the board;
   (g) Carry out the duties and obligations of the corporation pursuant to this section, and to have any and all other powers as may be reasonably necessary for the effectuation of the purposes of the corporation; and
   (h) Adopt bylaws for the conduct of its business, including the designation of directors, and prescribe rules, regulations, and policies in connection with the performance of its functions and duties.

(6) Board members, except officers or employees of the state, shall receive compensation for their services in the amount of one hundred dollars ($100) per day for attendance at each board meeting and shall be entitled to payment of any reasonable and necessary expenses actually incurred in discharging their duties under this section.

Effective: July 15, 2014

Financial Management of Institutions of Higher Learning

164A.550 Definitions for KRS 164A.555 to 164A.630.
As used in KRS 164A.555 to 164A.630 unless the context otherwise requires:
"Governing board" means the board of trustees or board of regents constituting the corporate bodies established by KRS 164.160 and 164.310 for the purpose of governing universities and colleges and technical institutions.

"Institutions" means all public supported postsecondary educational institutions in Kentucky recognized in KRS 164.100, 164.290, 164.580, or 164.810(1)(a).

"Affiliated corporation" means a corporate entity which is not a public agency and which is organized pursuant to the provisions of KRS Chapter 273 over which an institution exercises effective control, by means of appointments to its board of directors, and which could not exist or effectively operate in the absence of substantial assistance from an institution.

"Depository bank" means any bank so designated by the Treasurer of the Commonwealth as appropriate for receiving public moneys.

Effective: May 30, 1997


164A.560 Election by institution to perform in accordance with KRS 164A.555 to 164A.630.

(1) The governing boards of the postsecondary educational institutions electing to perform in accordance with KRS 164A.555 to 164A.630 regarding the acquisition of funds, accounting, purchasing, capital construction, and affiliated corporations shall do so by regulation. The responsibility for this election is vested with the governing boards, any other statute to the contrary notwithstanding. The governing board may delegate these responsibilities by regulation to appropriate officials of the institution. The anticipated investment earnings which have been credited to the general fund and the anticipated investment earnings on funds in the capital construction account, excluding revenue bonds, for fiscal years 1982-83 and 1983-84 may be deducted from the respective institution's trust and agency funds on deposit prior to the issuance of a check or transfer to the governing board.

(2) The governing boards of institutions may elect to receive, deposit, collect, retain, invest, disburse, and account for all funds received or due from any source including, but not limited to, state and federal appropriations for the support or maintenance of the general operations or special purpose activities of such institutions. In the event of such election by the governing board:

(a) The treasurer of the institution shall deposit on a timely basis all tuition fees, fees for room and board, incidental fees, contributions, gifts, donations, devises, state and federal appropriations, moneys received from sales and services, admittance fees, and all other moneys received from any source, in a depository bank or banks designated by the governing board.

(b) The governing board shall promulgate rules and regulations limiting disbursements to the amounts and for the purposes for which state appropriations have been made, or for which other moneys have been received. All disbursements shall be recorded in a system of accounts as set forth in KRS 164A.555 to 164A.630. The treasurer of each institution shall prescribe forms to be used with the system of accounts, and no treasurer shall approve any disbursement
document unless he determines that the disbursement is to satisfy a liability of the institution incurred for authorized purposes and that the disbursement is to be made from the unexpended balance of a proper allotment.

**Effective:** May 30, 1997


164A.565 Accrual basis accounting system -- Other records -- Annual report -- Budgets, financial statements, and meetings information to be publicly available on Web site.

(1) The governing board of each postsecondary educational institution making the election authorized in KRS 164A.560 shall as a condition of such election install an accrual basis accounting system conforming with generally accepted accounting principles and procedures established for colleges and universities by the National Association of College and University Business Officers and the American Institute of Certified Public Accountants. The accounting system shall include but not be limited to the following fund structure:

(a) An operating fund group (unrestricted current funds), consisting of all moneys not otherwise restricted, available for general operations, including state appropriations, federal funds, and unrestricted institutional receipts. Separate accounting fund groups may be established for auxiliary enterprises, athletics, hospitals, and other similar operations;

(b) A restricted fund group consisting of appropriations and other receipts restricted as to purpose which shall not be included in the operating fund;

(c) A loan fund group consisting of gifts, grants, and other funds provided and available for loans to students;

(d) An endowment fund group consisting of funds, the principal of which is not currently expendable;

(e) An agency fund group consisting of resources held by the institutions as custodian or fiscal agent for individual students, faculty, staff members, and organizations;

(f) A plant fund group consisting of:
    1. Unexpended plant funds to be used for the acquisition of long-lived assets for institutional purposes (capital construction funds);
    2. Funds for renewal, maintenance, and replacement of institutional buildings, equipment, and other properties; and
    3. Funds set aside for debt service charges and retirement of indebtedness on institutional plant.

(2) A record of each general fund appropriation shall be maintained so as to identify the institutional budgets to which such funds are allotted. Any uncommitted state general funds remaining after the close of business on the last day of the fiscal year shall lapse and be returned to the Treasury of the Commonwealth. Each appropriation shall be used for the intended purpose and where questions of intent arise subject to the provisions of KRS 45.750 and 45.800 in the case of capital construction
projects and major items of equipment as defined by these sections, the decision of the secretary of
finance and administration, based upon budget work papers, shall be final.

(3) A separate account showing sources of revenue and all expenditures shall be maintained for each
capital construction project. At the end of each fiscal year, a report containing a listing of all capital
construction projects, with sources of funds, expenditures, and current status for each, shall be
submitted to the Capital Projects and Bond Oversight Committee.

(4) Within thirty (30) days after July 15, 1982, the secretary of the Finance and Administration Cabinet
shall submit to the Capital Projects and Bond Oversight Committee a complete record of all funds and
project records transferred to institutions under the provisions of KRS 164A.555 to 164A.630.

(5) Within thirty (30) days after July 15, 1982, the governing boards shall submit to the Capital Projects
and Bond Oversight Committee a report containing a complete list of capital construction projects and
unexpended plant funds in existence on July 15, 1982. The source of funds, expenditures, and current
status of each project shall be shown.

(6) State general funds appropriated by the General Assembly for capital construction projects and
equipment purchases as defined in KRS 45.750 through 45.800 shall not lapse at the end of a fiscal
year. They shall be carried forward until the project is completed. Any such unexpended funds
remaining after acceptance of the project as complete shall be returned to a surplus account of the
capital construction fund for investment until appropriated and allotted as provided in KRS 45.750
through 45.800.

(7) Long lived assets of the institution, including land, buildings, and capital equipment shall be accounted
for in the plant fund group.

(8) The governing boards of each institution shall make an annual report of the financial activity to the
Council on Postsecondary Education. The report shall meet the requirements of the council's system of
uniform financial reporting for institutions of higher education.

(9) By January 1, 2012, the governing boards of each institution shall make available on the institution's
Web site:
(a) The board-approved operating and capital budgets for the current and prior two (2) fiscal years;
(b) The institution's audited financial statements for the previous three (3) fiscal years; and
(c) The agendas and actions of all meetings of the governing board for the previous three (3) years.

Effective: June 8, 2011

164A.570 Annual audit.
The governing board of any postsecondary educational institution making the election prescribed in KRS
164A.560 shall engage a qualified firm of certified public accountants experienced in the auditing of
institutions to conduct an annual examination of the institution's financial statements in accordance with
generally accepted auditing standards for the purpose of submitting an independent opinion, and preparing
a report of findings and recommendations concerning internal accounting controls and procedures, and
compliance with KRS 164A.555 to 164A.630. The secretary of the Finance and Administration Cabinet
may prescribe the minimum scope of any such audit. The opinion, with the findings and recommendations, shall be forwarded to the Governor, the secretary of the Finance and Administration Cabinet, the Auditor of Public Accounts, the director of the Legislative Research Commission, the president of the Council on Postsecondary Education, and members of the governing board.

Effective: May 30, 1997


**164A.575 Purchasing -- Inventories -- Sales of surplus property -- Bidding procedures -- Kentucky-grown agricultural products -- Reports -- Reciprocal preference for resident bidders -- Reverse auctions.**

(1) The governing boards of each institution may elect to purchase interest in real property, contractual services, rentals of all types, supplies, materials, equipment, printing, and services, except that competitive bids may not be required for:

(a) Contractual services where no competition exists;
(b) Food, clothing, equipment, supplies, or other materials to be used in laboratory and experimental studies;
(c) Instructional materials available from only one (1) source;
(d) Where rates are fixed by law or ordinance;
(e) Library books;
(f) Commercial items that are purchased for resale;
(g) Professional, technical, scientific, or artistic services, but contracts shall be submitted in accordance with KRS 45A.690 to 45A.725;
(h) All other commodities, equipment, and services which, in the reasonable discretion of the board, are available from only one (1) source; and
(i) Interests in real property.

(2) Nothing in this section shall deprive the boards from negotiating with vendors who maintain a General Services Administration price agreement with the United States of America or any agency thereof, provided, however, that no contract executed under this provision shall authorize a price higher than is contained in the contract between General Services Administration and the vendor affected.

(3) The governing board shall require the institution to take and maintain inventories of plant and equipment.

(4) The governing board shall establish procedures to identify items of common general usage among all departments to foster volume purchasing. It shall establish and enforce schedules for purchasing supplies, materials, and equipment.
(5) The governing board shall have power to salvage, to exchange, and to condemn supplies, equipment, and real property.

(6) Upon the approval of the secretary of the Finance and Administration Cabinet, the governing board may purchase or otherwise acquire all real property determined to be needed for the institution's use. The amount paid shall not exceed the appraised value as determined by a qualified appraiser or the value set by the eminent domain procedure. Any real property acquired under this section shall be in name of the Commonwealth for the use and benefit of the institution.

(7) The governing board shall sell or otherwise dispose of all real or personal property of the institution which is not needed or has become unsuitable for public use, or would be more suitable consistent with the public interest for some other use, as determined by the board. The determination of the board shall be set forth in an order, and shall be reached only after review of a written request by the institution desiring to dispose of the property. Such request shall describe the property and state the reasons why the institution believes disposal should be effected. All instruments required by law to be recorded which convey any interest in any such real property so disposed of shall be executed and signed by the appropriate officer of the board. Unless the board deems it in the best interest of the institution to proceed otherwise, all such real or personal property shall be sold either by invitation of sealed bids or by public auction; provided, however, that the selling price of any interest in real property shall not be less than the appraised value thereof as determined by the Finance and Administration Cabinet or the Transportation Cabinet for such requirements of that department.

(8) Real property or any interest therein may, subject to the provisions of KRS Chapter 45A, be purchased, leased, or otherwise acquired from any officer or employee of any board of the institution, based upon a written application by the grantor or lessor approved by the board, that the employee has not either himself or through any other person influenced or attempted to influence either the board requesting the purchase of the property. In any case in which such an acquisition is consummated, the said request and finding shall be recorded and kept by the Secretary of State along with the other documents recorded pursuant to the provisions of KRS Chapter 56.

(9) (a) As used in this section, "construction manager-agency," "construction management-at-risk," "design-bid-build," "design-build," and "construction manager-general contractor" shall have the same meaning as in KRS 45A.030.

(b) For capital construction projects, the procurement may be on a total design-bid-build basis, a design-build basis, construction manager-general contractor basis, or construction management-at-risk basis, whichever in the judgment of the board offers the best value to the taxpayer. Best value shall be determined in accordance with KRS 45A.070. Proposals shall be reviewed by the institution's engineering staff to assure quality and value, and compliance with procurement procedures. All specifications shall be written to promote
competition. Services for projects delivered on the design-build basis, construction manager-general contractor basis, or construction management-at-risk basis shall be procured in accordance with KRS 45A.180, KRS 45A.183, and the regulations promulgated in accordance with KRS 45A.180. Nothing in this section shall prohibit the procurement of construction manager-agency services.

(10) The governing board shall attempt in every practicable way to insure the institution's supplying its real needs at the lowest possible cost. To accomplish this, the board may enter into cooperative agreements with other public or private institutions of education or health care.

(11) The governing board shall have control and supervision over all purchases of energy consuming equipment, supplies, and related equipment purchased or acquired by the institution, and shall designate by regulation the manner in which an energy consuming item will be purchased so as to promote energy conservation and acquisition of energy efficient products.

(12) The governing board may negotiate directly for the purchase of contractual services, supplies, materials, or equipment in bona fide emergencies regardless of estimated costs. The existence of the emergency must be fully explained, in writing, by the vice president responsible for business affairs and such explanation must be approved by the university president. The letter and approval shall be filed with the record of all such purchases. Where practical, standard specifications shall be followed in making emergency purchases. A good faith effort shall be made to effect a competitively established price for emergency purchases.

(13) (a) All governing boards that purchase agricultural products, as defined by KRS 45A.630, shall, on or before January 1 of each year, provide a report to the Legislative Research Commission and to the Department of Agriculture describing the types, quantities, and costs of each product purchased. The report shall be completed on a form provided by the department.

(b) If purchasing agricultural products, a governing board shall encourage the purchase of Kentucky-grown agricultural products in accordance with KRS 45A.645. If a governing board purchases agricultural products through a contract with a vendor or food service provider, the contract shall require that if Kentucky-grown agricultural products are purchased, the products shall be purchased in accordance with KRS 45A.645. Only contracts entered into or renewed after July 15, 2008, shall be required to comply with the provisions of this subsection.

(c) All governing boards that purchase Kentucky-grown agricultural products shall, on or before January 1 of each year, provide a report to the Legislative Research Commission and to the Department of Agriculture describing the types, quantities, and costs of each product purchased. The report shall be completed on a form provided by the department.

(14) Governing boards shall apply the reciprocal resident bidder preference described in KRS 45A.494 prior to the award of any contract.
(15) Governing boards may authorize the use of reverse auctions as defined in KRS 45A.070 for the procurement of goods and leases.

**Effective:** June 24, 2015
